

Please use the bookmark feature to maximize the value of this compendium. Also, remember to review the General Procedure Orders ("GPOs") list attached hereto to see if there are GPOs that you must review before proceeding.

Local Bankruptcy Rule 101

Scope of Rules

These Rules and Forms supplement the Federal Rules of Bankruptcy Procedure (Fed.R.B.P.) and Bankruptcy Official Forms and govern practice and procedure in the United States Bankruptcy Court for the District of Colorado. The Rules shall be cited as the Local Bankruptcy Rules ("L.B.R.") and the forms as the Local Bankruptcy Forms ("L.B.F.").

Local Bankruptcy Rule 102

Initial Filings

Please note that many portions of this Rule were modified by [General Procedure Order 2001-8](#), in particular, LBR 102(d) is superseded by [General Procedure Order 2001-8 Section II. A.5](#)

(a) Requirements: In addition to the Petition, and the exhibits thereto, the debtor shall file: Schedules of Assets and Liabilities; Schedule of Current Income and Expenditures; Statement of the Debtor's Financial Affairs; and the Creditors Mailing Address Matrix as required and specifically prescribed in subsection **(b)** of this Rule.

(b) Creditors Mailing Address Matrix: In addition to the Schedules required in subsection **(a)** of this Rule, the debtor shall file a verified list of creditors pursuant to 11 U.S.C. § 521(1) which shall be in the form and manner as specifically described in the Appendix to these Rules. The name and address of each creditor, including a box or street number, city or town, state and Zip Code shall be shown in the manner and location as shown in the Appendix. If an assignment of the account or debt is known to the person verifying such information, or if such person has knowledge that the debt is in the hands of an attorney or other agent for collection, the full names and addresses of both the original creditor and assignee or agent shall be set forth separately. Addresses shall be inscribed directly onto the list, and the use of adhesive labels, correction fluid, or any other substance foreign to the paper stock is strictly prohibited.

(c) Service on United States Trustee and Chapter 7, 9, 11, 12 or 13 Trustee: In any case in which the debtor files a statement, list or schedule subsequent to receipt of a Notice of Deficiency issued by the clerk pursuant to L.B.R. 505(a), the debtor shall serve a copy of such statement, list or schedule on the United States Trustee and any Chapter 7, 11, 12, or 13 trustee serving in the case. The debtor shall file an appropriate certificate of service showing compliance with this Rule. When a debtor makes service pursuant to this subsection, the debtor shall file two copies fewer in Chapter 7, 12 and 13 cases, and one copy fewer in Chapter 9 and 11 cases than is required in subsection **(d)** of this Rule.

(d) Copies: An original and three copies of the Petition, Statement of Financial Affairs, and Schedules shall be submitted in cases filed pursuant to Chapters 7 and 12. An original and two copies of the Petition, Statement of Financial Affairs, and Schedules shall be submitted in cases filed pursuant to Chapter 13. An original and six copies of the Petition, Statement of Financial Affairs, and Schedules shall be submitted in cases filed pursuant to Chapters 9 and 11. Only the original of the Creditors Mailing Address Matrix need be filed.

(e) Proper Sequence for Initial Bankruptcy Filings: ⁽¹⁾

Chapter 7 The following forms are separate documents. Please **do not** staple them together.

Attorney Fee Disclosure Statement (L.B.F. 102.1)

Original + 2.

Creditors Mailing Address Matrix Original only.

The following forms are stapled together in the following order (Original + 3 of each complete set):

Voluntary Petition (Bankruptcy Official Form 1). (Exhibit A or Exhibit B, as applicable)

Statement of Financial Affairs (Bankruptcy Official Form 7).

Summary of Schedules and Schedules A-J (Bankruptcy Official Form 6).

Chapter 9: The following form is a separate document. Please **do not** staple copies together:

Voluntary Petition (Bankruptcy Official Form 1) Original + 6.

Chapter 11: The following forms are separate documents. Please **do not** staple them together:

Affidavit of Proposed Attorney or Professional Person

Original + 1.

Application to Employ Attorney or Professional Person

Original + 1.

List of Creditors Holding 20 Largest Unsecured Claims (Bankruptcy Official Form 4) Original + 6.

Creditors Mailing Address Matrix Original only.

The following forms are stapled together in the following order (Original + 6 of each complete set):

Voluntary Petition (Bankruptcy Official Form 1).

Statement of Financial Affairs (Bankruptcy Official Form 7).

Summary of Schedules and Schedules A-J (Bankruptcy Official Form 6).

Chapter 12: The following forms are separate documents. Please **do not** staple them together:

Affidavit of Proposed Attorney or Professional Person

Original + 1.

Application to Employ Attorney or Professional Person

Original + 1.

Chapter 12 Plan Original + 2.

Creditors Mailing Address Matrix Original only.

The following forms are stapled together in the following order (Original + 3 of each complete set):

Voluntary Petition (Bankruptcy Official Form 1).

Statement of Financial Affairs (Bankruptcy Official Form 7).

Summary of Schedules and Schedules A-J (Bankruptcy Official Form 6).

Chapter 13: The following forms are separate documents. Please **do not** staple them together:

Attorney Fee Disclosure Statement (L.B.F. 102.1) Original + 2.

Chapter 13 Plan (L.B.F. 315.1) Original + 1.

Creditors Mailing Address Matrix. Original only.

The following forms are stapled together in the following order (Original + 2 of each complete set):

Voluntary Petition (Bankruptcy Official Form 1).

Statement of Financial Affairs (Bankruptcy Official Form 7).

Summary of Schedules and Schedules A-J (Bankruptcy Official Form 6).

(f) Proper Sequence for Adversary Proceeding Filings: The following forms are separate documents. Please **do not** staple them together:

Adversary Proceeding Cover Sheet (L.B.F. 102.2) Original Only.

Complaint Original + 1.

Summons Original + 2 for every defendant.

Emergency Motions, if any Original + 1.

¹ Rule 102(e), Chapt. 13, rev. 12/1/99.

FILED
December 31, 2007
U. S. Bankruptcy Court
District of Colorado
Bradford L. Bolton, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF THE
IMPLEMENTATION OF
MANDATORY ELECTRONIC
FILING PROCEDURES FOR
REGULAR FILERS

FOURTH AMENDED GENERAL PROCEDURE ORDER NUMBER 2001-8

WHEREAS the Federal Rules of Procedure (Civil Rule 5(e), Bankruptcy Rules 5005(a)(2), 7005, 8008, 9011 and 9029) provide that a court may establish practices and procedures for the filing, signing and verification of documents by electronic means; and

WHEREAS, recommendations regarding administrative policies and procedures for filing, signing and verifying documents by electronic means have been tendered to the court by various focus groups consisting of judges, attorneys, practitioners, court personnel, and experts in related subject matter areas; and

WHEREAS, proposed Administrative Procedures for Electronic Case Files (ECF Procedures) based upon those focus group recommendations have been reviewed by the court; and

WHEREAS, the ECF Procedures are consistent with and further the responsibility of the clerk for the control of the court's docket pursuant to Fed.R.Bankr.P 5003 and 5005, including safeguarding the integrity of the court's docket, pursuant to the provisions of the Case Management/Electronic Case Files (CM/ECF) system of the United States Courts; and

WHEREAS, the ECF Procedures provide a means for the signature on documents through a secure mechanism for the creation and issuance of individual passwords; and

WHEREAS, the ECF Procedures provide adequate means for the filing, review and retrieval of documents by parties who are not able to access CM/ECF from a remote location; it is therefore

ORDERED that:

1. In lieu of filing petitions, pleadings and other papers conventionally in paper format as prescribed in Local Bankruptcy Rule 904 and other rules, attorneys who file, on average, one or more documents per week and other Electronic Filers authorized by the Court shall file documents in an electronic format. Any attorney who signs a document as an attorney, and is an attorney required to file electronically, must file the document electronically (the only exclusions to this requirement are listed in the Second Amended Administrative Procedures for Electronic Case Files). Attorneys who file, on average, less than one document per week may, at their discretion, file documents in an electronic format. Except as otherwise provided in Paragraph II.A.7. of the Second Amended Administrative Procedures for Electronic Case Files, all documents filed with the Court, either electronically or via paper format, shall be converted to and stored as electronic documents. The electronic files, consisting of the images of documents filed in cases or proceedings and documents filed by electronic means, shall constitute the official record of the court together with any other records kept by the clerk. The Court may, in any matter at any time, request that a copy of a document be submitted to the judge in paper format.

2. The ECF Procedures attached hereto as Exhibit A (Amended Administrative Procedures for Electronic Case Files) are approved and shall apply to all attorneys who file, on average, one or more documents per week. To the extent feasible, the ECF Procedures shall also apply to all documents filed in this Court, whether such documents are filed electronically or by way of paper format.

3. The use of an attorney's password to file a document electronically shall constitute the original signature of that attorney for purposes of Fed.R.Bankr.P. 9011.

4. Each attorney, law firm or other person that obtains a password for electronic filing shall be responsible for its security and use. No attorney, law firm or other person shall knowingly permit or cause to permit an Electronic Filer's password to be utilized by anyone other than an authorized member, employee or agent of the Electronic Filer's law firm.

5. The request for and receipt of a CM/ECF password from the court shall constitute a request for electronic service pursuant to Fed.R.Bankr.P. 9036 of all notices, orders, decrees and judgments issued by the court, and except as otherwise provided in the ECF Procedures, a waiver of the right to receive notice and service from the court by mail. Electronic Filers will receive electronic notification of notices, orders, decrees and judgments in cases where they enter their appearance.

6. The electronic filing of a document in accordance with the ECF Procedures shall

constitute entry of that document on the docket kept by the clerk pursuant to Fed.R.Bankr.P. 5003.

7. All orders, decrees, judgments and proceedings of the court shall, in accordance with the ECF Procedures, be entered on the docket kept pursuant to Fed.R.Bankr.P. 5003 and for the purposes of Fed.R.Bankr.P. 9021.

8. To the extent that this order or the ECF Procedures is inconsistent with the Local Bankruptcy Rules and Forms for the District of Colorado dated December 1, 1999, this order and the ECF Procedures shall have precedence.

9. This order or the ECF Procedures may be amended or superseded by amendments to the Local Bankruptcy Rules and Forms for the District of Colorado as the court deems necessary.

10. This order shall become effective on January 1, 2008, and shall apply to all cases and proceedings pending on or filed after that date.

Dated: December 31, 2007

BY THE COURT:

S/_____
Howard R. Tallman, Chief Bankruptcy Judge
Sidney B. Brooks, Bankruptcy Judge
A. Bruce Campbell, Bankruptcy Judge
Elizabeth E. Brown, Bankruptcy Judge
Michael E. Romero, Bankruptcy Judge

THIRD AMENDED ADMINISTRATIVE PROCEDURES FOR
ELECTRONIC CASE FILES

UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO

December 2007

Attachment to Fourth Amended General Procedure Order No. 2001-8

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ADMINISTRATIVE PROCEDURES

I. Eligibility and Registration for the Electronic Filing System

A. Eligibility. Attorneys admitted to practice in the District of Colorado, and others as the court deems appropriate, who file, on average, one or more documents per week shall register as Electronic Filers in the court's ECF system. Attorneys who file, on average, less than one document per week may register as Electronic Filers in the court's ECF system.

B. Password. Each Electronic Filer shall be entitled to one CM/ECF password for electronic retrieval, filing and noticing of documents in accordance with CM/ECF. Upon request and at the clerk's discretion, an Electronic Filer may receive multiple CM/ECF passwords based on caseload. Registration for a password is governed by paragraph I.C.

C. Registration.

1. Each Electronic Filer registering for CM/ECF shall enroll themselves and/or their designated staff person in and complete a CM/ECF Electronic Filer Training Program conducted by the clerk or, in lieu of attending a training class conducted by the clerk, obtain and complete a self-directed training program available from the clerk. Self-enrollment for the Training Program shall be via on-line at https://ecf.cob.uscourts.gov/ecf_training.htm and shall require the Electronic Filer applicant's name, address, telephone number, Internet e-mail address, and a declaration that the Electronic Filer, if an attorney, is admitted to practice in the District of Colorado. Upon completion of the on-line registration, the clerk shall transmit a registration confirmation form back to the Electronic Filer applicant. The clerk will use his discretion in a fair and nondiscriminatory manner to ensure that all registrants are treated fairly. Attorneys to whom these ECF procedures mandatorily apply shall be given preference in training class scheduling and may enroll two persons for any scheduled class. Attorneys to whom these ECF procedures do not mandatorily apply, i.e., those who file less than one document per week, may enroll only one person for any scheduled class, and classes may be rescheduled to accommodate those attorneys to whom mandatory ECF procedures apply.

2. All registration forms shall be submitted to the Clerk, U. S. Bankruptcy Court, District of Colorado, 721 19th Street, Denver, Colorado, 80202-2508, Attention: ECF System Registration, or COBML_Training@cob.uscourts.gov.

3. The password required to submit documents to the ECF system serves as the Electronic Filer's original signature on all electronic documents filed with the court. Except as otherwise required by these Procedures, use of the ECF system password also serves as a signature for purposes of Fed.R.Bankr.P. 9011, other Federal Rules of Bankruptcy Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.

4. Electronic Filers agree to protect the security of their passwords and

immediately notify the clerk if they learn that their password has been compromised. Electronic Filers may also find it desirable to change their assigned passwords periodically and may do so by contacting the Systems Department of the Clerk's Office.

5. The individual named in the CM/ECF registration Form L.B.F. ECF-1 remains the official recipient of the Electronic Filer's password. No Electronic Filer or other person may knowingly permit or cause to permit an Electronic Filer's password to be used by anyone other than an authorized agent of the Electronic Filer. All documents submitted via an Electronic Filer's password shall be considered "signed" by the Electronic Filer to whom the password is issued.

6. Application of these ECF Procedures shall be mandatory for all attorneys who file, on average, one or more documents with the court per week. Although not mandatory, application of these ECF Procedures shall be encouraged for all attorneys who file, on average, less than one document with the court per week.

D. Temporary Deactivation or Revocation of Password and Authority to File Electronically. The Court reserves the right to temporarily deactivate an Electronic Filer's password for failure to comply with the provisions of these ECF procedures. In addition, the Court reserves the right to revoke, after notice and hearing before the judge assigned to the specific case in which the attorney has failed to comply, an Electronic Filer's password and, consequently, his or her authority and ability to electronically file documents for failure to comply with any provision of the agreement contained in the Electronic Filer Registration Form, failure to adequately protect his or her password, failure to comply with the provisions of these Administrative Procedures for Electronic Case Files, failure to pay fees required for documents electronically filed, or other misuse of the electronic case filing system. For mandatory users of these ECF Procedures, the court recognizes that temporary deactivation or revocation of a password and authority to file electronically may limit an attorney from practicing in the bankruptcy court.

II. Electronic Filing and Service of Documents

A. Filing.

1. Electronic Filing. Except as expressly provided in paragraph 11 below, all petitions, statements of affairs, schedules, motions, pleadings, memoranda of law, certificates of contested and non-contested matters, or other documents required to be filed with the court in connection with a case shall be electronically filed in accordance with these ECF procedures.

2. Waiver of Paper Format. Pursuant to Fed.R.Bankr.P. 5005(a)(2), a document filed by electronic means in accordance with General Procedure Order No. 2001-8 and these Administrative Procedures for Electronic Case Files, as amended, constitutes a written paper for the purpose of applying the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure made applicable by the Federal Rules of Bankruptcy Procedure, and § 107 of Title 11, United States Code, except as otherwise provided by these procedures. Electronic Filers who file documents electronically pursuant to these ECF procedures shall be excused from the provisions of L.B.F. 904(a) requiring that said documents be in paper form.

3. Proposed Orders on Motions. All motions electronically filed shall be accompanied by a proposed order as an attachment in PDF format. All motions filed in paper format shall also be accompanied by a proposed order as an attachment thereto. The Court also may request that a proposed order be submitted in word processing document format to the judge via e-mail.

Proposed orders shall not be e-mailed unless expressly requested by the judge or his/her staff.

4. Application to L.B.R. 202 Matters. In addition to or pursuant to the provisions contained in this section, the following shall apply to L.B.R. 202 matters:

a. Motions, responses or objections thereto, notices, requests for hearings, certificates of service, and certificates of contested/non-contested matter may be filed electronically pursuant to these ECF procedures.

b. Certificates of contested/non-contested matter shall not include as exhibits attached thereto copies of the motion and all documents attached thereto, notice, certificate of service of the motion and notice, written objections and requests for hearings, but shall contain a reference to such documents by title and the document number assigned to each document as it appears on the electronic docket sheet.

c. Except as noted below, certificates of non-contested matter need not be served upon opposing or other interested parties. In those instances where the movant or applicant seeks entry of a proposed order which differs from the proposed order submitted with the original motion, both the certificate of non-contested matter and the revised proposed order shall be served upon opposing and other interested parties.

5. Copies. Except as otherwise stated in these Procedures, all petitions, schedules, statements, lists, and amendments thereto, and all motions, applications, notices, objections, requests for hearing and other documents filed or converted to electronic case files pursuant to these ECF procedures shall be filed in electronic format only. The requirement to file copies in paper format pursuant to L. B. R. 102(d) and (e), 511 and 904(d) shall not apply, except to the following:

- a. Chapter 11 and Chapter 12 plan of reorganization;
- b. Chapter 11 disclosure statement and attachments;
- c. Motions for summary judgment and responses, and all supporting documents; and
- d. Any other document requested by chambers.

As to these documents, one copy clearly marked “*Chambers Copy*” shall be tendered to the court within one court day after filing, or one court day after a copy of any other document is requested.

6. Attachments to Pleadings. All documents that form part of a pleading and which are being filed at the same time and by the same party shall be electronically filed together under one docket number, e.g., the motion and supporting affidavit.

7. Exhibits. Because lengthy and voluminous exhibits create accessibility problems in CM/ECF, Electronic Filers filing documents that reference exhibits not prepared in electronically produced text shall scan and electronically file those exhibits divided as separate attachments in PDF format each of which shall not exceed one hundred (100) pages in length, scanned at two hundred (200) or less d.p.i.

8. Proofs of Claim. Proofs of claim may be electronically filed by attorneys or other parties who are authorized to file electronically pursuant to these ECF procedures. The clerk shall scan all proofs of claim and exhibits attached thereto filed in paper format into CM/ECF. Exhibits in excess of approximately one hundred (100) pages in length, scanned at two hundred (200) or less d.p.i., shall be divided and scanned as multiple attachments to the claim

9. Title of Docket Entries. Electronic Filers shall be responsible for selecting the appropriate event and title for the electronically filed document using one of the options provided in the system, e.g., motion, application, etc.

10. Fees Payable to the Clerk. When a document requiring a fee is electronically filed, the E-Filer shall effect payment of the fee via credit card at the conclusion of the transaction. Failure to pay the fee, if any, at the conclusion of the day on which the transaction occurs may result in an order striking filing of the document. Repeated failure to pay the filing fee for electronically filed documents may result in the temporary suspension or revocation of the electronic filer's ECF password. In the event the credit card charge cannot be processed, the Electronic Filer will be contacted and must satisfy the required payment within 24 hours. This paragraph shall not apply to federal agencies and chapter 7 trustees for whom different filing fee payment arrangements may apply.

11. Exclusions to Electronic Filing of Documents. The following documents are excluded from the requirements and provisions of these ECF procedures and shall continue to be filed in conventional paper format:

- a. Involuntary petitions filed pursuant to 11 U.S.C. 303;
- b. Petitions filed pursuant to chapter 9;
- c. Petitions ancillary to foreign proceedings filed pursuant to 11 U.S.C. 304; and
- d. Miscellaneous cases wherein the court does not already have jurisdiction such as a motion to quash a subpoena issued by a court or judicial officer in another jurisdiction.

B. Consequences of Electronic Filing.

1. Electronic transmission of a document to the ECF system consistent with these rules, together with the transmission of a Notice of Electronic Filing (paragraph II.C.2. below) from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Bankr.P. 5003.

2. The official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

3. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight MST or MDT, as applicable, in order to be considered timely filed that day. Notwithstanding the foregoing, an Electronic Filer whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

4. It is the responsibility of the Electronic Filer to file and link electronic

documents correctly in accordance with the requirements of CM/ECF and these Amended Administrative Procedures for Electronic Case Files. In the event an Electronic Filer files an electronic document containing errors, omissions, defects or other deficiencies, the Clerk shall, upon discovery, make an entry on the docket noting the error or omission and send the Electronic Filer notice of entry of the error or omission via the Automatic Notice of Electronic Filing pursuant to paragraph II.C.2. of these Procedures. The Electronic Filer shall correct the error or omission described in said Automatic Notice of Electronic Filing by the close of the next court day following transmittal of the Automatic Notice of Electronic Filing, failing which the electronic document containing the error or omission shall, unless the court orders otherwise, be deemed stricken. Certain other matters may be corrected by the Clerk's staff pursuant to local rule or General Procedure Order.

C. Service.

1. General Rule. Except as otherwise provided in paragraph II.C.3., all documents required to be served shall be served in paper (i.e., "hard copy") form in the manner mandated by the applicable law and rules.

2. Automatic Notice of Electronic Filing. The CM/ECF system automatically generates a Notice of Electronic Filing at the time a document is filed with the system. The Notice indicates the time of filing, the name of the party and Electronic Filer filing the document, the type of document, and the text of the docket entry. It also contains an electronic link (hyperlink) to the filed document, allowing anyone receiving the Notice by e-mail to retrieve the document automatically. The CM/ECF system automatically sends this Notice to all Electronic Filers participating in the case. Electronic Filers are obligated to ensure that their e-mail boxes designated to receive the Notice have sufficient capacity to receive all notifications.

3. Specific Consent to Electronic Service/Notice Required in Each Case. Registration as an Electronic Filer serves as consent to receive notice electronically from the court, including notice of the entry of an order or judgment under Fed.R.Bank.P. 9022, but does not constitute waiver of the right to personal service or service by first class mail, nor does it serve as consent to electronic service or notice from other parties in the case, except in those cases where the Electronic Filer electronically files a specific waiver of the right to personal service or first class mail and consent to electronic service/notice pursuant to Fed.R.Bankr.P. 9036. Whenever service is required to be made on a person who has filed a specific waiver of the right to personal service or first class mail and consent to electronic service/notice in a particular case, electronic transmission of the "Notice of Electronic Filing" shall constitute service or notice of the filed document. Service may also be made by serving the "Notice of Electronic Filing" generated by CM/ECF by hand, facsimile or e-mail, or by overnight mail if service by electronic transmission is impracticable.

4. Conventional Service. Notwithstanding the preceding paragraph, conventional service of documents in hard copy shall be required in the following instances:

a. Service made in accordance with Fed.R.Civ.P. 4 or 45, or Fed.R.Bankr.P. 7004 or 9014, including service of the summons and complaint.

b. Except for those agencies who file a consent to service by electronic means pursuant to Fed.R.Civ.P. 5(b) in a specific case, service upon an agency of the United States, including the United States Attorney, the United States Trustee, or the court.

c. Service of notice pursuant to Fed.R.Bankr.P. 2002(a)(1).

5. Orders. All signed orders, decrees, judgments, and proceedings of the court shall be electronically filed by the court or court personnel in accordance with these ECF procedures, which shall constitute entry on the docket kept by the clerk under Fed.R.Bankr.P. 5003 and 9021. Any order or other court-issued document filed electronically without the manual signature of a judicial officer or clerk has the same force and effect as if the judicial officer or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Immediately upon the electronic entry of an order or judgment, a Notice of Electronic Filing shall be transmitted to all Electronic Filers who have entered appearances in the case. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Bankr.P. 9022. The clerk shall provide notice in paper form to any person who is entitled to receive notice, but is not a registered Electronic Filer. In addition to the Notice of Electronic Filing, the clerk, may, at his/her discretion, also provide notice in paper form to Electronic Filers.

6. Service of Certificates of Non-Contested Matters. Certificates of non-contested matter need not be served upon opposing or other interested parties except in those instances where the proposed order tendered with the certificate differs from the proposed order attached to and filed with the original motion.

D. Signatures.

1. Every petition, pleading, motion and other paper served or filed in accordance with these procedures shall be subscribed by the attorney signing such pleading or document with a facsimile imaged signature or an “electronic signature,” e.g., “s/Jane Doe”. In addition, electronically filed documents must include a signature block that sets forth the name, address, telephone number, e-mail address and the attorney’s Colorado bar registration number, if applicable.

2. Except as otherwise provided for in paragraph 5. below, petitions, lists, schedules, statements, amendments, pleadings, affidavits, stipulations, proofs of claims and other documents which contain original signatures, documents requiring verification under

Fed.R.Bankr.P. 1008, or documents in which a person verifies, certifies, affirms, or swears under oath or penalty of perjury, and unsworn declarations under 28 USC §1746, shall be filed electronically and bear “electronic signatures.”

3. In all voluntary bankruptcy cases filed on behalf of debtors who are individuals, Form 21, Statement of Social Security Number(s), is required to be filed electronically on the same date as the petition is filed using the proper secured event to prevent the form contents from being viewable on the public docket. Failure to file Form 21 within the time prescribed by this paragraph may result in the petition being stricken or other appropriate sanction. Counsel is required to retain the Form 21 with actual non-electronic signatures as set forth below.

4. Documents that are electronically filed and require original signatures other than that of the Electronic Filer, including the Form 21, statements, schedules, lists, and amendments thereto that require the signature of the debtor, must be maintained in paper form by the Electronic Filer for two years following expiration of all time periods for appeals after entry of a final order terminating the case or proceeding.

5. Documents requiring signatures of more than one party may be electronically filed provided that the document contains all necessary electronic signatures.

III. **Disclosure of Contents of Filed Documents**

A. **Full Disclosure.** Except as provided in paragraph B below, full public disclosure of all electronic case records shall be made available by electronic access or by personal inspection of files at the office of the clerk.

B. **Protective Order.** Upon motion and for cause shown, the court may, in accordance with its authority under 11 USC §§105 and 107(b)(2), and Fed.R.Bankr.P 1007(j) and 9018, enter such orders as may be appropriate to protect the interests of the debtor or other entities by restricting disclosure of information contained in the records of the court. Protective orders pursuant to this paragraph may be entered *ex parte*, and any party can move for reconsideration of a protective order.

IV. **Access to the Docket**

A. **Internet Access.** Any person or organization may obtain access to the “read only” area of CM/ECF at the court’s Internet site at www.cob.uscourts.gov by obtaining a PACER password and paying any fees established for such access. Those who have PACER access but who are not Electronic Filers may retrieve docket sheets and documents, but they may not file documents. Information posted on the CM/ECF system shall not be downloaded for uses inconsistent with the privacy concerns of any person.

B. **Access at the Court.** Electronic access to all documents filed for public access is

available, without obtaining a password, in the clerk's office during regular business hours, Monday through Friday. Conventional and certified copies of electronically filed documents may be purchased at the clerk's office during regular business hours Monday through Friday. The fee for copying and certifying shall be in accordance with the Schedule of Miscellaneous Fees promulgated by the Judicial Conference of the United States pursuant to 28 USC §1930(b).

C. Access Charges. Electronic access fees shall be payable in accordance with the fees and procedures established by the Judicial Conference of the United States pursuant to 28 USC §1930(b).

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO
ELECTRONIC CASE FILING (ECF) SYSTEM
ELECTRONIC FILER REGISTRATION FORM
(Live System)**

To register for an account on the Court's ECF System, please provide the information requested below:

Name: _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____

FAX Number: _____

Bar ID# and State: _____

Primary E-Mail Address (for e-mail notification) _____

Send Duplicate E-Mail To: _____

Send Electronic Notice (check one): _____ Each Filing _____ End of Day Summary _____

Send Electronic Notice in the following format (check one):

_____ HTML for Netscape, ISP mail service, i.e, AOL, Hotmail, Yahoo, etc.

_____ Text for cc:mail, Groupwise, Outlook, Outlook Express, Other (please list)

CM/ECF Contact Name and Telephone Number _____

By submitting this registration form, applicant agrees to the statements on the next page.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO
ELECTRONIC CASE FILING (ECF) SYSTEM
ELECTRONIC FILER REGISTRATION FORM
(Live System)**

By submitting this registration form, applicant agrees to the following:

1. Federal Rule of Bankruptcy Procedure 9011 requires that every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) filed with the Court be signed by at least one attorney of record or, if the party is not represented by an attorney, by the party. The unique password issued to an Electronic Filer identifies that person to the Court each time he or she logs on to the ECF system. The use of an Electronic Filer's password constitutes the signature of the Electronic Filer for the purposes of Fed.R.Bankr.P. 9011 on any document or pleading filed electronically using that Electronic Filer's password. Therefore, an Electronic Filer must protect and secure the password issued by the Court. If you have any reason to suspect your password has been compromised, it is your duty to notify the Court immediately. The Court will thereafter immediately delete that password from the ECF system and issue a new password.
2. By this registration, applicant agrees to adhere to General Procedure Order No. 2001-8 and the Administrative Procedures for Electronic Case Files attached thereto and referenced therein, including consenting to the electronic service of pleadings and other papers from the Court as set forth in paragraphs II.C.3. therein. Applicant further understands and agrees that upon entering an appearance as an Electronic Filer in a case or proceeding, such appearance does not constitute consent to receive notice and service by electronic means from other attorneys unless he or she files a specific consent for service by electronic means within such case or proceeding. Applicant further understands that upon notification of an error, omission, or other deficiency in a document filed electronically, the Electronic Filer shall correct said deficiency no later than the next court day, failing which said deficient document shall be deemed stricken.
3. Applicant agrees that prior to receiving a login and password to electronically file documents, he or she must enroll in and satisfactorily complete a CM/ECF Electronic Filer Training Program conducted by the clerk.
4. Applicant understands that originals of all electronically filed pleadings, affidavits, and other documents that contain original signatures or require verification under Fed.R.Bankr.P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, must be maintained by the attorney of record or the party originating the document for two years following expiration of all time periods for appeals after entry of a final order terminating the case or proceeding.
5. Except for federal agencies and chapter 7 trustees for whom other filing fee payment procedures may apply, applicant understands that in order to electronically file documents for which a fee is required, he or she must pay those fees with a credit card via the secured Internet either upon conclusion of the transaction or by the close of business on the date of the filing. The applicant further understands that failure to meet this payment requirement represents a defective filing and may result in the loss of electronic filing privileges.
6. Applicant understands that the Court may revoke an Electronic Filer's password and, therefore, his or her authority and ability to electronically file documents for failure to comply with any provisions of this agreement, failure to adequately protect his or her Electronic Filer password, failure to comply with the provisions of General Procedure Order No. 2001-8 or the Administrative Procedures for Electronic Case Files attached thereto, failure to pay any fees required for documents electronically filed, or other misuse of the electronic case filing system.

Date _____

Signature of Applicant

Please return to: Bradford L. Bolton, Clerk
U. S. Bankruptcy Court
District of Colorado
721 19th St.
Denver, CO 80202

UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO
ELECTRONIC CASE FILING (ECF) SYSTEM

ELECTRONIC FILER PASSWORD FORM
(Live System)

Electronic Filer Login (**COURT USE ONLY**):

Electronic Filer Password (provided by filer):

Signature of Electronic Filer:

Date:

NOTE: Upon the electronic filer's completion of a court administered CM/ECF training course and assigned homework, a CM/ECF login will be assigned on this form and mailed to the electronic filer.

FILED
November 5, 2008
U. S. Bankruptcy Court
District of Colorado
Bradford L. Bolton, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF MANDATORY
ELECTRONIC FILING FOR CERTAIN CREDITORS
AND THEIR AGENTS FILING PROOFS OF CLAIM
OR INTEREST

GENERAL PROCEDURE ORDER NUMBER 2008-5

THIS MATTER arises *sua sponte* to apply the mandatory electronic filing requirements of General Procedure Order Number 2001-8, as amended, to creditors and their agents who file with the Clerk, on average, one or more proofs of claim or interest per week. These filers, if they are not already mandatory electronic filing attorneys, will be considered limited registrants for limited electronic filing and will be required to complete the Court's registration form and obtain a procedural manual to be assigned an electronic filing login to file claims. Accordingly, it is

ORDERED that commencing December 1, 2008, the mandatory electronic filing requirements of General Procedure Order Number 2001-8, as amended, shall apply to creditors and their agents who file, on average, two or more proofs of claim or interest per week.¹

FURTHER ORDERED that creditors and their agents who are required to file proofs of claim or interests electronically are required to complete the Court's registration form, obtain a procedural manual from the Court and be assigned an electronic filing login, in that order.

Dated: November 5, 2008

BY THE COURT:

s/
Howard R. Tallman, Chief Bankruptcy Judge
Sidney B. Brooks, Bankruptcy Judge
A. Bruce Campbell, Bankruptcy Judge
Elizabeth E. Brown, Bankruptcy Judge
Michael E. Romero, Bankruptcy Judge

¹ The requirement of General Procedure Order Number 2001-8, as amended, that the e-filing login only be assigned to an attorney shall not apply to limited registrants.

(This cover sheet is only required for cases filed in paper; attorneys filing electronically do not need to use it.)

Transitional Local Bankruptcy Form 1002-1 Cover Sheet

Check Applicable Boxes to Show All Documents Attached

Name of Debtor(s):	Attorneys (Firm Name, Address & Telephone): No Attorney: []
--------------------	---

Filing fee (check applicable box) (checks and credit cards are not accepted):

<input type="checkbox"/>	\$299 for Chapter 7
<input type="checkbox"/>	\$2,789 for Chapter 11 (this figure may be \$1,039 if drafting error is not fixed, confirm before filing)
<input type="checkbox"/>	\$239 for Chapter 12
<input type="checkbox"/>	\$274 for Chapter 13
<input type="checkbox"/>	Other fee paid (enter amount) AND attach applicable application under Fed.R.Bankr.P. 1006 to pay in installments or pursuant to 28 U.S.C. § 1930(f) (if applicable)

Individual and Business Debtor(s) (except as otherwise noted):

<input type="checkbox"/>	Exhibit D Statement of Compliance with Credit Counseling Requirement for each individual debtor (A list of all authorized Credit Counselors for Colorado is found at http://www.usdoj.gov/ust or the Court has a list that may be viewed in the Records/Public Information Room 114 of the Court.)
<input type="checkbox"/>	Voluntary Petition – Official Form 1 (1/08)
<input type="checkbox"/>	Statement of Financial Affairs – Form 7 (12/07)
<input type="checkbox"/>	Summary of Schedules A–J – Official Form 6–Summary (12/07)
<input type="checkbox"/>	Schedules A, B, C, D, E, F, G, H, I, and J – Official Forms 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, and 6J (12/07)
<input type="checkbox"/>	Declaration Concerning Debtor’s Schedules – Official Form 6 – Declaration (12/07)
<input type="checkbox"/>	Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer – Form 19 (12/07) (submitted only if debtor used the services of a bankruptcy petition preparer)
<input type="checkbox"/>	For each individual debtor, copies of all payment advices, paycheck stubs, or other evidence of all salary, commissions or income received within 60 days before the bankruptcy case was filed, copied on 8 ½ by 11 paper with the debtor’s first and last name printed on top of each page (and bankruptcy case number, if a number has been assigned); OR, as applicable, complete T.L.B.F. 1007-1 (“Statement Concerning Payment Advices Due”) for each debtor.
<input type="checkbox"/>	A record of any interest in an education IRA or qualified State tuition program (529 plans)
<input type="checkbox"/>	Attorney Fee Disclosure Statement – L.B.F. 102.1
<input type="checkbox"/>	Verification of Creditors’ Matrix – L.B. Misc. Form List
<input type="checkbox"/>	Creditors’ Matrix (on a computer disk if case is filed in paper form) (see attachment to GPO-2001-7 at www.cob.uscourts.gov for instructions).

Additional Items Due From ALL Individual Debtors:

- Statistical Summary of Certain Liabilities – Official Form 6 (page 2) (12/07)
- Social Security Number Statement – Form 21

Chapter 7 Individual Debtors also must file:

- Statement of Current Monthly Income and Means Test Calculation Official Form 22A (12/08)*
- Statement of Intention – Form B8 (12/08) (due thirty days post-petition) (the failure to comply with this statement and file reaffirmation agreements or motions to redeem personal property that the debtor does not intend to surrender has ramifications 45 days after the first scheduled meeting of creditors under Section 362(h) of the Bankruptcy Code)

Chapter 11 Individual Debtors also must file:

- Statement of Current Monthly Income – Form B22B (1/08)*

Chapter 13 Individual Debtors also must file:

- Statement of Current Monthly Income and Disposable Income Calculation – Official Form 22C (1/08)*
- Plan – T.L.B.F. 3015-1 (must be filed no later than fifteen days post-petition)

*The links for the updated Internal Revenue Service and Census Bureau Information that may be needed to complete Statement of Current Monthly Income Forms B 22 can be reached from the web site: <http://www.usdoj.gov/ust/>. (Not applicable in Chapter 7 cases if debts are primarily business debts.)

Additional Items due from Chapter 11 debtors:

- List of Twenty Largest Creditors – Form B4 (10/05)
- List of Equity Interest Holders – Required by Fed.R.Bankr.P. 1007(a)(3) for corporations
- If the debtor is a corporation it should file a corporate ownership statement – Required by Fed.R.Bankr.P. 1007(a)(1).
- Small Business Debtors** must file the most recent 1) balance sheet, 2) statements of operations, 3) cash-flow statement and 4) Federal income tax return; OR a verified statement that those documents do not exist and have not been prepared or filed.

Date:	Printed name of party signing:	Signature of Attorney (or debtor without counsel):
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Local Bankruptcy Form 102.1, Statement

[Caption as in Bankruptcy Official Form No. 16B]

Attorney Fee Disclosure Statement

The undersigned as attorney for the debtor(s) herein makes the following statements pursuant to 11 U.S.C. § 329:

1. The total fee to be charged in this matter (not including filing fees) is \$_____, of which \$_____ has been paid leaving a balance of \$_____ due.

2. The source of the compensation so paid or promised is _____
_____.

3. I have not shared or agreed to share such compensation with any person, other than the members or regular associates of my law firm except _____
_____.

4. The particulars of such sharing or agreement to share are _____
_____.

5. I hereby apply for the award of the fees set forth herein.

Dated: _____

Signature of Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF ADOPTING TRANSITIONAL
LOCAL BANKRUPTCY FORM 1002-1--COVER
SHEET FOR VOLUNTARY PETITIONS FILED
ON OR AFTER OCTOBER 16, 2006

SECOND AMENDED GENERAL PROCEDURE ORDER NUMBER 2006-1

THIS MATTER arises to address the confusion surrounding the filing requirements for commencing a case under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, to reduce the number of deficiency notices for new cases and/or to prevent the rejection of individual debtor cases that do not satisfy Credit Counseling Certification requirements. Accordingly, in an effort to clarify what is required, as well as to assist debtor(s) and court staff in determining what documents are being tendered for filing, the Court adopts Transitional Local Bankruptcy Form 1002-1 Cover Sheet for Voluntary Petitions, as amended, which shall be completed, signed and filed with all Voluntary Petitions filed in paper form commencing on October 16, 2006.¹

THE COURT ORDERS that commencing October 16, 2006, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, Transitional Local Bankruptcy Forms 1002-1 is hereby adopted for filing in paper filed cases and shall remain in effect until further notice.

Dated: September 26, 2006

BY THE COURT:

Sidney B. Brooks, Chief Judge
A. Bruce Campbell, Judge
Elizabeth E. Brown, Judge
Howard R. Tallman, Judge
Michael E. Romero, Judge

¹Between the dates of October 1, 2006 and October 15, 2006, the Court will accept as an attachment to the Cover Sheet either the national form Exhibit D which is effective on October 1, 2006, or Transitional Local Bankruptcy Form 1002-2 Statement Concerning Credit Counseling.

Local Bankruptcy Rule 105

Captions and Proposed Orders*

(a) Captions: In addition to meeting the requirements of Fed.R.B.P. 1005 and Bankruptcy Official form 16A or 16B, as applicable, the caption of each petition and all subsequent pleadings shall state (1) the full and correct first, middle, and last names of the debtor. If the debtor has no middle name or if he or she has only a middle initial, that fact shall be indicated parenthetically; (2) the chapter of the Bankruptcy Code under which the case is filed; (3) the debtor's federal employer identification number or social security number; (4) the case number and initials assigned to the petition and any subsequent documents; and (5) the Motion Control Number if required pursuant to L.B.R. 904(c). In addition, any reply or other responsive pleading shall contain as part of its caption a verbatim recital of the title of the pleading to which the response is directed.

(b) Captions in Matters Concerning Relief from the Automatic Stay: All motions, pleadings, and responses thereto filed pursuant to L.B.R. 401 shall bear a caption in substantial conformity with Bankruptcy Official Form 16C, except that the parties shall be identified as **Movant** and

Respondent in lieu of **Plaintiff** and **Defendant**.

(c) Adversary Captions: All pleadings in an adversary action shall bear a caption in substantial conformity with Bankruptcy Official Form 16C and the adversary proceeding case number and initials assigned to the complaint and any subsequent documents.

(d) Proposed Orders: Each proposed order shall be separately captioned as a single document in accordance with this Rule, and shall not be combined with any other pleading.

*See also L.B.R. 904

Local Bankruptcy Rule 107

Schedules, Lists, and Matrices

PLEASE REFER TO [GENERAL PROCEDURE ORDER 2001-7](#) FOR THIS LOCAL RULE

In each Schedule and Creditor Mailing Address Matrix the creditors names shall include the full and complete address of each creditor, including box or street number, city or town, state and Zip Code. With respect to the List of Creditors Holding 20 Largest Unsecured Claims required in Chapter 9 or 11 cases by

Fed.R.B.P. 1007(d), the name and telephone number of a possible contact person of the creditor shall also be specified if known.

T.L.B.R. 1007-1 **INITIAL FILING REQUIREMENTS** (applies only to cases filed after October 16, 2005 and uses the Interim Bankruptcy Forms adopted by GPO 2005-6 and GPO 2006-4,¹ replaces those portions of L.B.R. 102(d) and (e) relating to documents required and the filing of copies, and is subject to General Procedure Order 2001-8 Section II. A.5 for all chapters).

****Please note that Second Amended GPO 2006-1 also requires the submission of a Cover Sheet for cases filed in paper. This form is contained in the Chapter 7 and Chapter 13 Voluntary Petition packets on the Forms page of the Court's website.***

- (a) Schedules, Statements and Other Documents Required. The following original documents should be submitted in this sequence to file a complete voluntary petition packet for relief under Chapters 7, 11, 12 and 13 (the forms are from the Interim Bankruptcy Forms and Transitional Local Bankruptcy Forms which can be located and obtained from www.cob.uscourts.gov):
- Voluntary petition – Official Form 1 (1/08)
 - Statement of Financial Affairs – Form 7 (12/07)
 - Summary of Schedules A–J – Official Form 6–Summary (12/07)
 - Schedules A, B, C, D, E, F, G, H, I, and J – Forms 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I AND 6J (12/07)
 - Declaration Concerning Debtor's Schedules – Official Form 6 – Declaration (12/07)
 - Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer – Form 19 (12/07) (submitted only if debtor used the services of a bankruptcy petition preparer)
- **
- For each debtor, copies of all payment advices, paycheck stubs, or other evidence of all salary, commissions or income received within 60 days before the bankruptcy case was filed, copied on 8 ½ by 11 paper with the debtor's first and last name printed on top of each page (and bankruptcy case number, if a number has been assigned); or, if applicable, complete T.L.B.F. 1007-1 ("Statement Concerning Payment Advices Due") for each debtor.
 - Attorney Fee Disclosure Statement – L.B.F. 102.1
 - Verification of Creditors' Matrix – L.B. Misc. Form List
 - Creditors' Matrix (on a computer floppy disk) (see attachment to GPO-2001-7 at www.cob.uscourts.gov for instructions).
- (b) Additional Items due from Individual Debtors:
- Statistical Summary of Certain Liabilities – Official Form 6 – page 2 (12/07)
 - Exhibit D Individual Debtor's Statement of Compliance with Credit Counseling Requirement (12/08 Official Form 1 Exhibit D)

¹Due to the implementation of revised forms which were adopted by General Procedure Orders or through revised rules, this Rule has been updated with the new forms applicable to case initiation.

- Certificate of Credit Counseling or Motion/Certification for Extension or Waiver
 - Social Security Number Statement – Form 21 (Added by technical amendment on November 28, 2005.) * *Electronic filers submit this via Electronic Declarations in paper form, do not electronically submit this document.*
 - Chapter 7 Individual Debtors:
 - Statement of Current Monthly Income and Means Test Calculation – Official Form 22A (12/08) *(does not apply to debtors with primarily business debt)
 - Statement of Intention – Form B8 (12/08) (due fifteen days post-petition)
 - Chapter 11 Individual Debtors:
 - Statement of Current Monthly Income – Form B22B (1/08)
 - Chapter 13 Individual Debtors:
 - Statement of Current Monthly Income and Disposable Income Calculation – Official Form 22C (1/08)
 - Plan – T.L.B.F. 3015-1 (must be filed no later than fifteen days post-petition)
- (c) Additional Items due from Chapter 11 debtors:
- List of Twenty Largest Creditors – Form B4 (10/05)
 - List of Equity Interest Holders – Required by Fed.R.Bankr.P. 1007(a)(3)
- (d) The failure to timely file all documents required by 11 U.S.C. §§ 521 and 109, T.L.B.R. 1007-1, T.L.B.R. 3015-1 may result in the dismissal of your case under L.B.R. 505 and the United States Trustee’s Motion to Dismiss and/or under 11 U.S.C. §§ 707(a), 1112(b), 1208(c) or 1307(c), as applicable, without further notice, certification or hearing.

****Make certain to read form B-201 Notice to Individual Consumer Debtors and review the Voluntary Petition instruction pages on the Forms page of our website, before filing a Voluntary Petition to commence a bankruptcy case.***

T.L.B.F. 1007-1

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

In re:

Case No. _____

(INSERT NAME(S) OF DEBTOR(S))

Address _____

Last 4 digits of SSN and/or EIN:

Debtor(s).

Chapter _____

**Statement Under Penalty of Perjury Concerning Payment Advices
Due Pursuant to 11 U.S.C. §521(a)(1)(B)(iv)**

I*, _____ (Debtor's Name), state as follows:

I did not file with the Court copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition from any employer because:

_____ a) I was not employed during the period immediately preceding the filing of the above-referenced case _____ (state the dates that you were not employed);

_____ b) I was employed during the period immediately preceding the filing of the above-referenced case but did not receive any payment advices or other evidence of payment from my employer within 60 days before the date of the filing of the petition;

_____ c) I am self-employed and do not receive any evidence of payment from an employer;

_____ d) Other (Please Explain) _____

I declare under penalty of perjury that the foregoing statement is true and correct.

Dated this _____ day of _____, 200__.

(Signature of Debtor)

Debtor

* A separate form must be filed by each Debtor

Certificate of Service

I certify that I served true and correct copies of the foregoing declaration by mailing a copy to each the following on this _____ day of _____, 200__:

Trustee Assigned to the Case
(Trustee's Address)

United States Trustee

Signed

FILED
March 26, 2007
U. S. Bankruptcy Court
District of Colorado
Bradford L. Bolton, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF REVISED GUIDELINES
FOR PREPARATION AND SUBMISSION OF
CREDITOR ADDRESS MAILING MATRIX

AMENDED GENERAL PROCEDURE ORDER NUMBER 2001-7

THIS MATTER arises upon the need to provide revised guidelines for the preparation and submission of creditor address mailing matrices in a format more conducive to entry into the court's electronic data base, and more specifically, submission via computer optical disk or floppy diskette in lieu of paper. Accordingly, effective May 1, 2007, it is

ORDERED that the Instructions Regarding BANCAP Creditors Matrix appearing in the Appendix to the Local Bankruptcy Rules dated September 1, 1999, are hereby superseded by the attached Appendix effective May 1, 2001.

Dated: March 26, 2007

BY THE COURT:

Howard R. Tallman, Chief Bankruptcy Judge
Sidney B. Brooks, Bankruptcy Judge
A. Bruce Campbell, Bankruptcy Judge
Elizabeth E. Brown, Bankruptcy Judge
Michael E. Romero, Bankruptcy Judge

Appendix

Instructions Regarding Creditor Matrix (Mailing Matrix) on Disk

In order to ensure that the case you file can be properly loaded into the automated case management system, your cooperation is essential. Please observe the following guidelines:

1. The completed original/amended matrix shall be saved as a **TEXT** (.txt) file type and submitted to the court on a Compact Disk (CD), a Digital Video Disk (DVD) or a 3-½ inch 1.44 MB diskette in lieu of a printed paper copy (Do NOT use 720 K Dual Density diskettes or MAC formatted diskettes). **TEXT** files, when saved properly will have a “.txt” extension after the file name. For example, if a matrix file is saved with the name of ‘creditor’, the full file name will be ‘creditor.txt’. **A HARD COPY (PAPER) OF THE COMPLETED MATRIX IS NOT REQUIRED.**
2. All PCs having a WINDOWS Operation System have a package called NOTEPAD under Programs, Accessories, NOTEPAD. NOTEPAD is a basic word processor and will easily save a **TEXT** file as its basic file type. Also, word processing packages and petition preparation packages may have different descriptions for **TEXT** file types. For example, newer versions of MS WORD will use **TEXT ONLY** (.txt) as a file type. Similarly, newer versions of WordPerfect will have **ASCII DOS TEXT** as a file type. All of the above referenced word processing programs are acceptable, but you may find NOTEPAD the easiest to use when saving a **TEXT** file.
3. The name and address of each creditor, including a box or street number, city, state and zip code shall be listed. If an assignment of the account or debt is known or if the debt is in the hands of an attorney or other agent for collection, the full names and addresses of both the original creditor and assignee or agent shall be listed. **Do NOT list full account numbers, only the last four digits of the account number. Do NOT list the amount owed to the creditor on the matrix.**
4. Creditor matrix on diskette should be prepared as follows:
 - a. Do NOT include page titles, headers, or page numbers
 - b. One single column per page
 - c. Five (5) lines per address maximum
 - d. Special characters such as @#\$%^&*()_+? are not permitted
 - e. City, state and zip code must be on one (1) line
 - f. City, state and zip code must be on the last line of the address
 - g. Triple space between each creditor’s address (see example on next page)
 - h. Maximum of forty (40) characters per line
5. Do **NOT** include the names and addresses for the following people as they will be

retrieved automatically by the system for noticing:

- a. Debtor and/or joint debtor
 - b. Attorney for the debtor
 - c. Any Chapter Trustee (Ch. 7, 12, 13)
 - d. U.S. Trustee
6. The form, **Verification of Creditor Matrix** must be prepared and filed along with the CD/DVD or diskette
7. A supplemental or amended creditor(s) matrix shall include **ONLY new creditor(s) NOT PREVIOUSLY SUBMITTED. DO NOT include creditor(s) submitted on a previous CD/DVD or diskette.** Refer to **L.B.R. 109(a)** for additional information on amending the Creditor Mailing Address Matrix.
8. If you wish to change the address of a creditor already submitted, file a completed **Change of Address** form and **DO NOT** file an amended matrix.

SAMPLE CREDITOR MATRIX (MAILING MATRIX)

Your matrix should look like the format below the line. Please remember that headings, titles, and page numbers are not necessary.

(Note: the samples below are not actual addresses)

Sears Credit
Re: XX XXX 4587
123 Main St.
Denver, CO 80202

Wells Fargo Bank
Re: XX XXX 9852
8000 W. Major Blvd.
Chicago, IL 12345

Bank of Denver
Re: XX XXX 2533
1111 16th St.
Denver, CO 80202

BankOne
Re: XX XXX 5412
MasterCard Dept.
4567 Highway 85
Fargo, ND 11333

Local Bankruptcy Rule 109

Amendments to Schedules and Creditors Mailing Address Matrix

PLEASE REFER TO [GENERAL PROCEDURE ORDER 2001-7](#) FOR THIS

LOCAL RULE

(a) Amendments to Add Creditors or Other Information: ⁽¹⁾

(1) An amendment to Schedules D, E, or F or a List of Creditors pursuant to Fed.R.B.P. 1009 adding an additional creditor or other information, shall be accompanied by payment of any fee prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. 1930(b), and shall be:

(A) shown on a document separate and apart from the schedule originally filed; or

(B) highlighted, i.e., marked by an asterisk, underscored, with a designated reference, etc., if and when such amendment has been incorporated in a revised edition of the schedule originally filed; **and**

(C) shown on a Creditors Mailing Address Matrix in the form and manner described in L.B.R. 102(b) that shall be separate and apart from any other Matrix previously filed in the case.

(2) Upon the filing of such amendments adding creditors whose names and addresses were not listed in time for the mailing of the

Notice of Meeting of Creditors, the debtor shall forthwith mail to such

additional creditors a copy of the Notice of Meeting of Creditors, and any subsequent notice in a Chapter 7 case regarding the bar date, if any, for the filing of proofs of claim, and set forth the date of filing of such amendment, and file a certificate of service showing compliance with this Rule. In a Chapter 12 or 13 case, and in the event a Notice of Possible Dividend was previously mailed to all creditors of record in a Chapter 7 case, the debtor shall also mail a proof of claim form to any creditor added by amendment pursuant to this Rule. Copies of any such amendments shall be served by the debtor upon the United States Trustee and upon any trustee appointed in the case, and such service shall be deemed to be in compliance with Fed.R.B.P. 1009(c).

(b) Requests to Modify Address of a Creditor Previously Listed in the Schedules or Creditors Mailing Address Matrix: A request to change the address of a creditor previously listed in Schedules D, E, or F or the Creditors Mailing Address Matrix shall be accomplished by filing a notice of change of address on behalf of said creditor, for which there is no fee.

1. ¹ Rule 109(a)(1)(C), rev. 12/1/99.

Local Bankruptcy Rule 115

Joint Administration

In the interests of efficient case administration, upon filing of a motion for joint administration pursuant to Fed.R.B.P. 1015(b), the court may enter an order for joint administration of related cases for procedural purposes only. In the event such order is entered, the clerk, or such other person as the court may direct, shall provide notice to all creditors and other interested parties that the following administrative procedures shall apply, but which shall have no effect upon the substantive issues of the estates, either individually or collectively, nor upon the requirements of Fed.R.B.P. 2009(f):

- (a)** Jointly administered cases shall be reassigned to the judge to whom the lower-numbered (first) case was assigned.
- (b)** All motions, pleadings and other documents filed in the jointly administered cases shall bear a combined caption to include the full name and number of each specific case, except that a motion which applies only to one specific estate may reflect only the caption of that case.
- (c)** All claims shall be filed in the specific estate to which they apply.
- (d)** All motions, pleadings and other documents filed in the jointly administered cases shall be docketed and placed in the lower-numbered case file jacket, and nothing further shall be docketed on the docket sheet or placed in the case file jacket of the higher-numbered case.

Local Bankruptcy Rule 117

Filing Tax Returns Required

Exhibit A

LOCAL BANKRUPTCY RULE 117

(a) Filing of Tax Returns Required.

In Chapter 13 cases, the debtor shall (1) file with the appropriate taxing entities all tax returns due for the three years immediately preceding the date of the order of relief and as necessary for the administration of the case; and (2) provide copies of the tax returns, for the three years immediately preceding the date of the order for relief, to the Standing Chapter 13 Trustee along with evidence of current regular income, no later than seven days prior to the first scheduled meeting of creditors provided for by 11 U.S.C. § 341(a). If a tax return is not due as of the date of the order for relief, but becomes due prior to confirmation, the debtor shall provide a copy of that tax return to the Standing Chapter 13 Trustee within fifteen (15) days from the date it is due.

(b) Failure to Comply.

A debtor's failure to comply with L.B.R. 117(a)(1) or (a)(2) above may constitute grounds for dismissal of the Chapter 13 case pursuant to 11 U.S.C. § 1307(c)(1).

(c) Notice of Motion Under L.B.R. 117(b).

Notice of any motion to dismiss under L.B.R. 117(b) for failure to comply with L.B.R. 117(a)(1) or (a)(2) shall be given in accordance with L.B.R. 202 and in the time frame specifically established in L.B.R. 202(b)(3)(C).

(d) Request for Extension.

Any request to extend the deadline for compliance with L.B.R. 117(a) shall be made by motion filed before the expiration of the deadline for compliance and must state good cause for

T.L.B.R. 1017-1 Dismissals (applies to cases filed after 10/16/05, and replaces **L.B.R. 117 for cases filed after that date**, see also T.L.B.R. 4002-1 Duties and Responsibilities Regarding Tax Information)

(a) **Submission to Trustee or Creditor of Tax Returns Under 11 U.S.C. § 521(e).**

- (1) No later than seven (7) business days before the first date set for the meeting of creditors, Chapter 7 and 13 individual debtors are required to provide the case trustee with a copy of their Federal income tax return, or a transcript of such return, for the most recent tax year ending immediately before the commencement of the case and for which a federal income tax return was filed. See I.B.R. 4002(b)(3).
- (2) The debtor is also required to provide any requesting creditor with a copy of such return or transcript if the request is made at least fifteen days prior to the initial meeting of creditors. See I.B.R. 4002(b)(4).
- (3) If the debtor was not required by law to file a tax return in any period covered by this rule, the debtor shall provide to the case trustee and any requesting creditors as referenced above a verified statement that no tax return was required to be filed and state the reason why a tax return was not required to be filed.
- (4) The debtor shall redact all personal information from tax returns or transcripts provided to the case trustee or requesting creditor. Redact the following: all but the last 4 digits of the social security number; all names of minor children; all but the last 4 digits of any bank, savings or similar accounts; and provide only birth year, not date of birth. (See, T.L.B.R. 4002-1.)
- (5) If the debtor fails to provide such Federal tax return or transcript, the trustee or a creditor may file a report that such document was not provided. A copy of the report shall be served on the debtor, debtor's counsel, the case trustee and United States Trustee. Any creditor that is a non-natural person must comply with L.B.R. 910.
 - (i) The report shall be accompanied by a notice that the debtor has ten days to object to the report and provide written verification that the failure to so comply is due to circumstances beyond the control of the debtor.
 - (ii) The notice of the report shall be in substantial conformity with T.L.B.F. 1017-1.

- (6) If no objection and verification are filed by the debtor, the debtor's failure to comply with the requirements to file tax returns or transcripts constitutes grounds for dismissal of the case pursuant to 11 U.S.C. §§ 707(a) or 1307(c), without further notice, certification or hearing.
- (b) **Hearing on Dismissal Pursuant to T.L.B.R. 1017-1 for failure to file tax returns.** If the debtor provides a response and written verification regarding the failure to file a tax return or transcript required under 11 U.S.C. § 521, then the Court will set the matter for hearing.
- (c) **General.** Failure to timely comply with the provisions of 11 U.S.C. § 521 (a)(1), I.B.R. 1007 and T.L.B.R. 1007-1 constitutes grounds for dismissal of the case pursuant to 11 U.S.C. §§ 707(a), 1112(b), 1208(c) or 1307(c), as applicable without further notice, certification, or hearing.

T.L.B.F. 1017-1

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

In re:

Case No. _____

(Insert Name(s) of Debtor(s))

Address _____

Last 4 digits of SSN and/or EIN:

Debtor(s).

Chapter _____

REPORT OF DEBTOR'S FAILURE TO PROVIDE TAX RETURN PURSUANT TO 11 U.S.C. §521(e)(2) AND NOTICE OF PENDING DISMISSAL OF CASE PURSUANT TO T.L.B.R. 1017-1

TO THE DEBTOR AND THE ATTORNEY FOR THE DEBTOR:

_____ in the above-referenced case, hereby certifies that despite a timely request the Debtor has failed to provide the (name of creditor or trustee) _____ with a copy of the Federal income tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed, as required by 11 U.S.C. § 521(e)(2), I.B.R. 4002 and T.L.B.R. 1017-1;

NOTICE IS HEREBY GIVEN that, pursuant to T.L.B.R. 1017-1 and 11 U.S.C. § 521(e)(2), **the case shall be dismissed without further notice, certification, or hearing**, unless the Debtor files an objection with the Court by (specify date: 10 days + 3 for mailing). The Debtor's objection shall include such information as is necessary to demonstrate that the Debtor's failure to provide the tax return or transcript was due to circumstances beyond the control of the Debtor, as required by 11 U.S.C. §521(e)(2).

Dated:

Respectfully submitted,

/s/ (in compliance with L.B.R. 910)

Printed Name and Attorney Registration Number

Name of Firm

Street Address

City, State and Zip Code

Telephone and Fax Numbers

E-mail address

CERTIFICATE OF SERVICE

I hereby certify that a copy of this **REPORT OF DEBTOR'S FAILURE TO PROVIDE FEDERAL TAX RETURN PURSUANT TO 11 U.S.C. §521(e)(2)(A) AND NOTICE OF PENDING DISMISSAL OF CASE PURSUANT TO T.L.B.R. 1017-1** was mailed, postage prepaid, on ____ (date) ____, to the following:

Debtor's Attorney

Debtor

Trustee

United States Trustee

Signed

Local Bankruptcy Rule 119

Schedule of Unpaid Debts in Converted Cases

Concurrent with the filing of the Schedule of Unpaid Debts required by Fed.R.B.P. 1019(5), the party filing said schedule shall give written notice by mailing a copy of the schedule to each entity named therein, to the United States, to any state, or any subdivision thereof wherein the debtor transacted business, to the United States Trustee and to the trustee assigned to the case, together with a statement advising that creditors scheduled therein may file a proof of claim in accordance with Fed.R.B.P. 3001(a) through (d) and 3002, and shall file a certificate of service showing compliance with this Rule.

Local Bankruptcy Rule 202

Notice and a Hearing

(a) Applicability: The provisions of this Rule shall apply:

(1) whenever an order is to be entered or other action is to be taken after "notice and a hearing," or similar phrase, as required under the Bankruptcy Code or in the Federal Rules of Bankruptcy Procedure, including Fed.R.B.P. 9014;

(2) to motions to confirm or modify chapter 13 plans; or

(3) whenever the court directs.

(b) Motion and Notice of Opportunity for Hearing: ⁽¹⁾ The motion and accompanying notice shall be filed in original form only together with an certificate of service evidencing compliance with the service requirements of Fed.R.B.P. 9014. Notice of Opportunity for Hearing on the motion shall:

(1) be in substantial conformity with L.B.F. 202.1, Notice;

(2) contain a specific statement of the relief requested, action intended or claim, including the amount of fees to be paid pursuant to Fed.R.B.P. 2002(c)(2), if applicable; amount of debt to be incurred; amount of payment to be made; the basic terms and provisions of a settlement or compromise; or, with respect to a proposed sale of property, a description of the property, the time and place of any public sale, and the terms and conditions of any private sale, all sufficient to meaningfully inform the parties of the intended action or claim;

(3) set the last date on which an interested party may file an objection and request for hearing on the motion which shall be not less than fourteen (14) calendar days after the date of service, except that

(A) notices under Fed.R.B.P. 2002(a) shall be not less than twenty (20) calendar days; and

(B) notices under Fed.R.B.P. 2002(b) shall be not less than twenty-five (25) days.

Note: L.B.R. 202 has been amended by the addition of paragraph (b)(3)(c).

Please refer to [GPO 2004-3](#)

Notices under Fed.R.B.P. 3007 shall be not less than thirty (30) days after the date of service, and when notice is served by mail, three (3) days shall be added to the prescribed periods pursuant to Fed.R.B.P. 9006;

(4) be given by the movant to all parties in interest at their addresses of record pursuant to Fed.R.B.P. 2002(g), and to such other parties as the Federal Rules of Bankruptcy Procedure may specify or the court may direct.

(c) Opposition and Request for Hearing: Objections and requests for hearing shall be filed with the court **in original form only**, and a copy thereof shall be served upon counsel for the movant on or before the date set forth in the notice.

Service may be by mail and shall be complete upon mailing. Objections and requests for hearing shall clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered. Failure of the responding party to timely file written opposition may be deemed a waiver of any opposition to granting of the motion or the action to be taken.

(d) Movant's Certificate of Contested Matter or Non-Contested Matter: ⁽²⁾ Not earlier than three (3) court days following the date specified in the notice pursuant to section (b)(3) of this Rule, the movant shall submit a single copy of either a Movant's Certificate of Contested Matter and Request for Hearing, L.B.F. 202.2, Movant's Contested Certificate, or a Certificate of Non-Contested Matter and Request for Entry of Order, L.B.F. 202.3, Movant's Non-Contested Certificate, and shall include as exhibits attached:

- (1) a copy of the motion and all documents attached thereto and served therewith;
- (2) a copy of the notice;
- (3) a copy of the certificate of service of the motion and the notice;
- (4) a copy of all written objections to the motion and requests for hearing, if any; and
- (5) a proposed order. In chapter 13 cases, the proposed

order for confirmation of a plan shall be in substantial conformity with L.B.F. 202.5, 13 Order.

(e) Respondent's Certificate of Contested Matter: Not earlier than three (3) court days after the date specified in the notice pursuant to section (b)(3) of this Rule, and after filing an objection and request for hearing pursuant to section (c) of this Rule, the Respondent may submit a single copy of a Respondent's Certificate of Contested Matter and Request for Hearing in substantial conformity with L.B.F. 202.4, Respondent's Contested Certificate, and shall include as exhibits attached:

- (1) a copy of the notice;
- (2) a copy of the written objection to the motion or request for hearing; and
- (3) a proposed order (for an order granting motion to confirm and confirming plan, see L.B.F. 202.5, 13 Order).

(f) Hearing and Oral Argument:

(1) Contested Matters: Motions for which opposition has been filed and so stated on the Certificate shall be set for hearing. Notice of the date, time and place of hearing shall be mailed by the Clerk to the movant and respondents at their addresses or their attorneys' addresses of record and to such other parties as the court may designate.

(2) Non-Contested Motions: Motions with no opposition and so stated on the Certificate shall be submitted to the Judge for further action.

(3) Defective or Deficient Motions: The Court may deny, sua sponte, any motion, the notice of which is subject to the provisions of this Rule and which notice does not comply with this Rule. Any such denial shall be without prejudice.

(4) Non-Prosecuted Motions: At the time the bankruptcy case is closed pursuant to sections 350, 707, 930, 1112, 1208, or 1307 of title 11, all pending motions for which no certificate has been submitted pursuant to section (d) or (e) of the Rule shall be deemed abandoned for want of prosecution and the Clerk shall enter an order denying said motions. Any such denial shall be without prejudice.

(g) This Rule Shall Not Apply:

- (1) to any pleadings, motions, or notices in adversary proceedings under Part VII of the Federal Rules of Bankruptcy Procedure;
- (2) as otherwise provided by the Local Bankruptcy Rules;
- (3) to hearing set under 11 U.S.C. § 1125; and
- (4) to hearings on confirmation of a plan pursuant to chapter 9, 11 or 12.

¹ Rule 202(b), rev. 12/1/99.

² Rule 202 (d)(3), rev. 12/1/99.

Local Bankruptcy Form 202.1, Notice

[Caption as in Bankruptcy Official Form No. 16B]

Notice Pursuant to Local Bankruptcy Rule 202 of

(Name of Pleading)

TO ALL PARTIES IN INTEREST:

NOTICE IS HEREBY GIVEN that the movant named below has applied to this Court or is intending to take action as follows:*

_____. A copy of the pleading is available for inspection in the Bankruptcy Court Clerk's Office, or upon request from the undersigned attorney.

Pursuant to Rule 202 of the Local Rules of Bankruptcy Procedure, if you desire to oppose this action you must file a written objection and request for a hearing with the Court on or before _____, ** and serve a copy thereof on the undersigned attorney. Objections and requests for hearing shall clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the Court.

In the absence of a timely and substantiated objection and request for hearing by an interested party, the court may approve or grant the aforementioned application without any further notice to creditors or other interested parties.

Dated: _____

Signature of Debtor

Signature of Spouse

Signature of Attorney for Debtor

Attorney's Address

City, State, and Zip Code

Telephone Number

Instructions to Movant (Form 202.1, Notice) ¹

* Insert a specific statement describing the action intended or applied for, including the amount of fees to be paid pursuant to Fed.R.B.P. 2002(c)(2), if applicable; amount of debt to be incurred; amount of payment to be made; the basic terms and provisions of a settlement or compromise; or, with respect to a proposed sale of property, a description of the property, the time and place of any public sale, and the terms and conditions of any private sale, all sufficient to meaningfully inform the parties of the intended action or claim.

** Response date must not be less than fourteen (14) calendar days after the date of service of the notice, except that notices under Fed.R.B.P. 2002(a) shall be not less than twenty (20) calendar days, notices under Fed.R.B.P. 2002(b) shall not be less than twenty-five (25) calendar days, and notices under Fed.R.B.P. 3007 shall be not less than thirty (30) days after the date of service, and when notice is served by mail, three (3) days shall be added to the prescribed periods pursuant to Fed.R.B.P. 9006;

By way of example, if the movant mails the notice on the first day of the month, the response due date is seventeen (17) days later, on the 18th day of the month. Since the response date must not be less than fourteen (14) days from the date of service, plus three (3) days for mailing, objections and requests for hearings may be filed through the 18th day of the month.

Attach Certificate of Service to this notice when filing with the court. The Certificate of Service, however, need not be mailed to all parties receiving notice.

Failure to follow these and other procedural instructions required by Local Bankruptcy Rule 202 may result in the denial of your application.

¹ L.B.F. 202.1 Instructions, rev. 12/1/99.

Local Bankruptcy Form 202.2, Movant's Contested Certificate

[Caption as in Bankruptcy Official Form No. 16B]

**Movant's Certificate of Contested Matter
and Request for Hearing**

On _____, _____, Movant, filed a motion or application pursuant to Local Bankruptcy Rule 202 entitled _____. Movant hereby represents and shows the Court:

1. Service of the motion/application was timely made on all interested parties pursuant to L.B.R. 913 as is shown on the affidavit of service previously filed with the motion/application, a copy of which is attached herewith.
2. Service of the notice was timely made on all creditors pursuant to L.B.R. 202(b) (or in the manner permitted by an order of the Court, a copy of which is attached) as is shown on the affidavit of service previously filed with the notice, a copy of which is attached herewith.
3. Objections to and/or requests for hearing on the motion/application have been made, copies of which are attached herewith.
4. Resolution of this contested matter will/will not require an evidentiary hearing. Movant estimates the hearing will require [insert estimate of time required].
5. Movant certifies that a good faith effort has been made to resolve this matter without the necessity of a hearing.

WHEREFORE, Movant prays that the Court forthwith set this matter for hearing pursuant to L.B.R. 202(f)(1).

Dated: _____

Signature of Attorney for Movant

Local Bankruptcy Form 202.3
Movant's Non-Contested Certificate

[Caption as in Bankruptcy Official Form No. 16B]

Certificate of Non-Contested Matter and Request for Entry of Order

On _____, _____, Movant, filed a motion or application pursuant to Local Bankruptcy Rule 202 or 401 entitled _____. Movant hereby represents and shows the Court:

1. Service of the motion/application was timely made on all interested parties pursuant to L.B.R. 913 as is shown on the affidavit of service previously filed with the motion/application, a copy of which is attached herewith.
2. Service of the notice was timely made on all creditors pursuant to L.B.R. 202(b) or 401(a)(3), whichever applies, (or in the manner permitted by an order of the Court, a copy of which is attached) as is shown on the certificate of service previously filed with the notice, a copy of which is attached herewith.
3. (If this motion/application has been filed pursuant to L.B.R. 401) A hearing on said motion/application was scheduled for _____.
4. (If this motion/application has been filed pursuant to L.B.R. 401 in a Chapter 13 case) No order confirming the debtor's Chapter 13 plan has been entered.
5. No objections to or requests for hearing on the motion/application were received by the undersigned.

WHEREFORE, Movant prays that the Court forthwith enter an order, a form of which is submitted herewith, granting the requested relief.

Dated: _____

Signature of Attorney for Movant

Court Use Only: The undersigned deputy clerk certifies that on the date inscribed below, a check of the electronic entries on record in this matter confirms that no objections to or requests for hearing on this motion have been entered.

Dated: _____

Signature of Deputy Clerk

Local Bankruptcy Form 202.4
Respondent's Contested Certificate

[Caption as in Bankruptcy Official Form No. 16B]

**Respondent's Certificate of Contested Matter
and Request for Hearing**

_____, Respondent, has/have heretofore filed an objection or opposition to a pending motion pursuant to Local Bankruptcy Rule 202(c). Respondent hereby represents and shows the Court:

1. Service of the notice was made on the Respondent, a copy of which is attached herewith.
2. An objection to and/or request for hearing on the motion/application has been made, a copy of which is attached herewith.
3. Resolution of this contested matter will/will not require an evidentiary hearing. Respondent estimates the hearing will require [insert estimate of time required].
4. Respondent certifies that a good faith effort has been made to resolve this matter without the necessity of a hearing.

WHEREFORE, Respondent prays that the Court forthwith set this matter for hearing pursuant to L.B.R. 202(f)(1).

Dated: _____

Signature of Attorney for Respondent

T.L.B.R. 2002-1 Regarding Preferred Creditor Addresses.

- (a) Designation of Preferred Creditor Addresses. The Court designates the Bankruptcy Noticing Center as the agency to support the preferred address requirements under 11 U.S.C. § 342(f) and, after December 1, 2005, Fed.R.Bankr.P. 2002(g)(4).

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

TRANSFER OF CLAIM OTHER THAN FOR SECURITY

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. § 1111(a). Transferee hereby gives evidence and notice pursuant to Rule 3001(e)(2), Fed. R. Bankr. P., of the transfer, other than for security, of the claim referenced in this evidence and notice.

Name of Transferee

Name of Transferor

Name and Address where notices to transferee should be sent:

Court Claim # (if known): _____
Amount of Claim: _____
Date Claim Filed: _____

Phone: _____
Last Four Digits of Acct #: _____

Phone: _____
Last Four Digits of Acct. #: _____

Name and Address where transferee payments should be sent (if different from above):

Phone: _____
Last Four Digits of Acct #: _____

I declare under penalty of perjury that the information provided in this notice is true and correct to the best of my knowledge and belief.

By: _____
Transferee/Transferee's Agent

Date: _____

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 & 3571.

United States Bankruptcy Court

_____ District Of _____

In re _____, Case No. _____

NOTICE OF TRANSFER OF CLAIM OTHER THAN FOR SECURITY

Claim No. _____ (if known) was filed or deemed filed under 11 U.S.C. § 1111(a) in this case by the alleged transferor. As evidence of the transfer of that claim, the transferee filed a Transfer of Claim Other than for Security in the clerk's office of this court on _____ (date).

Name of Alleged Transferor

Name of Transferee

Address of Alleged Transferor:

Address of Transferee:

~~DEADLINE TO OBJECT TO TRANSFER~~

The alleged transferor of the claim is hereby notified that objections must be filed with the court within twenty (20) days of the mailing of this notice. If no objection is timely received by the court, the transferee will be substituted as the original claimant without further order of the court.

Date: _____

CLERK OF THE COURT

See LBR 203 Continuances of Meetings of Creditors below

Local Bankruptcy Rule 203

Continuances of 341 Meeting of Creditors

Requests for continuances by the debtor with respect to the meeting provided for by 11 U.S.C. 341(a) shall be in writing and served upon the appropriate trustee prior to the date and time of the scheduled meeting and shall not be filed with the Court. If the request is granted, the debtor shall file a notice of continued meeting

with the Court and shall timely serve a copy of the notice upon all interested parties.

Local Bankruptcy Rule 204

Examination

(a) An order for examination pursuant to Fed.R.B.P. 2004 may be issued by the court on the **ex parte** application of a party in interest. The moving party will submit an appropriate motion together with an order for examination or production of documents.

(b) Unless otherwise ordered by the court for good cause shown, the date for the examination or production of documents sought shall be not less than ten (10) days after service of the order on the party to whom the order is directed.

(c) The party to whom the order for examination or production of documents is directed shall be entitled to seek relief from such order by filing an appropriate motion with the Court. Any such motion shall be subject to the provisions of L.B.R. 726.

Local Bankruptcy Rule 212

Notice of Substitution of Trustee and Notice of Successor Trustee's Accounting

(a) Promptly after a trustee is appointed in a Chapter 11 case, the trustee shall serve notice of such appointment upon all parties in interest, and to such other parties as the court may direct, in each pending action, proceeding or matter.

(b) When a successor trustee is appointed, the court or some other person as the court may direct shall serve notice thereof on all creditors in the case. The successor trustee shall serve notice of the appointment on all parties in contested matters, adversary proceedings and other civil actions.

(c) Upon the filing with the court of an accounting of prior administration of the estate pursuant to Fed.R.B.P. 2012(b) which reflects the collection or disbursement of receipts by the trustee, the successor trustee shall send notice of the filing of such accounting to all creditors and parties in interest in the case, unless the court otherwise orders for good cause shown.

Local Bankruptcy Rule 214

Appointment of Professional Persons

Applications for appointment of professional persons pursuant to Fed.R.B.P. 2014 and 11 U.S.C. 327 may be granted **nunc pro tunc** as of the date of filing of the application by the court **ex parte**. The court may require that the applicant serve notice of the application pursuant to L.B.R. 202(a) on all parties in interest. Attached to such notice shall be a copy of the affidavit filed pursuant to Fed.R.B.P. 2014.

Local Bankruptcy Rule 215

Reports

(a) **Filing:** Any reports of operations that the court or the United States Trustee may require the trustee or the debtor-in-possession to file in a case under any chapter under the Bankruptcy Code pursuant to 11 U.S.C. 704(8) or 1106(a)(7) and Fed.R.B.P. 2015 shall be filed and served as follows:
Original: Clerk, United States Bankruptcy Court, District of Colorado.
Duplicate with Original Signatures: United States Trustee, District of Colorado.
Duplicate: Unsecured Creditors' Committee, if appointed by the U.S. Trustee, and counsel for the Unsecured Creditors' Committee, if any.

(b) **Final Reports in Chapter 11 Cases:** Immediately after the estate is fully administered, the debtor-in-possession shall file a final report in substantial conformity with L.B.F. 215, Final Report, showing full administration; the names and address, if known, of the holders of claims or interests that have not been surrendered or released in accordance with the provisions of the plan (11 U.S.C. 1143); and such other facts as may be necessary to enable the court to pass on the provisions to be included in the final decree. Concurrent with the final report, the debtor-in-possession shall file a motion for entry of final decree and proposed order closing case pursuant to Fed.R.B.P. 3022.

Local Bankruptcy Form 215, Final Report

[Caption as in Bankruptcy Official Form No. 16B]

Chapter 11 Final Report and Motion for Final Decree

Comes now the debtor(s), _____,
by and through its undersigned attorney, and pursuant to the provisions of 11 U.S.C. § 1106(a)(7) as ordered by this
court, submit(s) that the estate herein is fully administered and that the plan has been substantially consummated as
follows:

1. That the Order confirming the plan has become final;
2. That the deposits required by the plan have been distributed in accordance with the provisions of the plan;
3. That substantially all of the property of the debtor(s) has been transferred according to the provisions of the plan;
4. That the debtor or the successor has assumed the business or the management of the property dealt with by the plan as applicable;
5. That distribution has been commenced under the plan and that payments to creditors and other interested parties have commenced; and
6. That all motions, contested matters, and adversary proceedings have been finally resolved.

WHEREFORE the debtor(s) herein pray(s) for the entry of the Final Decree pursuant to Rule 3022 of the Federal Rules of Bankruptcy Procedure, finding that the estate has been fully administered and, therefore, ordering the closing of the case.

Dated: _____

Signature of Debtor

Signature of Spouse

Signature of Attorney for Debtor

Attorney's Address

City, State, and Zip Code

Telephone Number

Local Bankruptcy Form 215, Continued

[Caption as in Bankruptcy Official Form No. 16B]

Final Decree

The estate of the above-named debtor(s) having been fully administered, it is Ordered that the Chapter 11 case of the above-named debtor(s) is hereby closed.

BY THE COURT:

Dated: _____

United States Bankruptcy Judge

Local Bankruptcy Rule 216

Applications for Compensation of Professional Persons

(a) Form of Fee Application: Except as set forth in subsection (c), every fee application filed pursuant to 11 U.S.C. 330 or 331 shall contain the following:

(1) An introductory statement indicating when retention of the applicant was approved by the court, a general description of the nature of the services rendered by the applicant, a statement of the compensation requested and the compensation previously sought by and allowed to the applicant, and whether the compensation sought is interim or final. The introductory statement shall also include a general statement of the status of the case.

(2) A narrative description of the work performed divided into categories, in detail relative to the complexity of the case and the amount of the fees requested. Within each category the narrative shall describe generally the nature of the services, the result obtained, the benefit to the estate, a description of what additional work remains to be done with respect to the matter, a statement of the number of hours spent on the particular matter and by whom, and the portion of the fee applicable to the particular matter. In addition, each narrative description shall refer to a separate exhibit which shall contain copies of detailed time entries from records contemporaneously kept by the applicant which support the fee sought with respect to each particular matter, including a description of the date the work was performed, the individual performing the work, the time spent on each task (expressed in tenths of hours), the fee for each task, and a detailed description of the work performed.

(b) Cover sheet: Except in Chapter 13 cases, any professional filing a fee application shall also file a cover sheet in the form specified in L.B.F. 216.1, Cover Sheet. A copy of the cover sheet shall be served on all interested parties served with the notice of the filing of the fee application.

(c) Form of Fee Application or Disclosure in Chapter 13: Attorneys for debtors in Chapter 13 cases shall submit a narrative fee application, or disclosure of fees

paid, in substantial conformity with L.B.F. 216.2, Application. The attorney shall submit with the fee application or disclosure an order in substantial conformity with L.B.F. 216.3, Order. In the absence of objection by a party in interest, the fees requested may be allowed by the court, or the court may require the attorney to file a formal fee application in conformity with subsection (a) of this Rule.

(d) Time for Filing Chapter 13 Fee Applications: In Chapter 13 cases, the attorney for the debtor shall file with the court and serve upon the Standing Chapter 13 Trustee a copy of a fee application or, in cases where the attorney has been paid a full retainer in advance and is not seeking payment of fees through the plan, a disclosure of fees paid and an application for approval of such fees, no later than fifteen (15) days after the date of entry of the order confirming the plan. The Standing Chapter 13 Trustee will have ten (10) days from the date of service of the application in which to file an objection to the application. If the application for fees is in an amount equal to or less than that disclosed in the plan, no further notice of the filing of the fee application need be given. If the application for fees is in an amount greater than that disclosed in the Chapter 13 statement and plan, then, pursuant to Fed.R.B.P. 2002(a), notice must be provided to the Standing Chapter 13 Trustee and all parties in interest, and any resulting amendments to the plan shall also be served upon those parties. A failure to timely file the fee application may result in the entry of an order denying all fees in the case

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO**

IN THE MATTER OF
PROCEDURES FOR FEE APPLICATIONS
IN CHAPTER 13 CASES

GENERAL PROCEDURE ORDER NUMBER 2007-2

Upon the report of representatives of the Chapter 13 Bar, and its own investigation, the Court determines that it is appropriate to update and revise in accordance with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”) the system for awarding attorneys fees and costs in Chapter 13 to reflect the additional obligations imposed by the BAPCPA. In furtherance thereof,

IT IS HEREBY ORDERED that:

1. The following presumptively reasonable fee allowance (“PRF”) procedures will be applicable in all Chapter 13 cases filed on or after January 1, 2007. This Order shall supercede L.B.R. 216 and Second Amended General Order 2001-1. Cases filed prior to January 1, 2007 remain subject to the Second Amended General Order 2001-1.

2. In order to be eligible to use the PRF Procedure described in ¶4a below, applicants must:

- a. provide the “Basic Services” as specified in Exhibit A to this GPO (“Exhibit A”), as necessary and appropriate; and
- b. submit an affirmative declaration, in conjunction with filing the Fee Application, that:
 - (i) they are not excluding any of the Basic Services; and
 - (ii) that they have provided a copy of Exhibit A to their client with the engagement letter or fee agreement.

3. In the event that **any** Basic Services are excluded or if the total fees (not including expenses) exceed \$3000, the attorney **cannot** use the PRF procedure described in ¶4a, but must use that in ¶4b.

4. Applications for allowance of fees and reimbursement of expenses pursuant to the PRF procedure must be made using Exhibit B to this GPO (“Exhibit B”). Applications must be filed no sooner than the date of entry of the Order confirming the Chapter 13 plan and no later than 15 days

after the date of entry of the Order confirming the Chapter 13 plan. Applications must be served on the Chapter 13 Trustee, the debtor(s), and all Entries of Appearance with a notice conforming to Exhibit C. The Chapter 13 Trustee, the debtor(s) and all Entries of Appearance must have 20 days notice from the date of service to file an objection.

- a. If the total fees charged for representation of debtor(s) up to the date of the entry of the order confirming the Chapter 13 plan do not exceed \$3000, Applicant need not supplement Exhibit B, except upon formal objection, written request of the Chapter 13 Trustee, or express order by the Court.
- b. If the Applicant requests allowance of a fee in excess of \$3000 or Basic Services are excluded, the Application must be made by using Exhibit B, and the certificate contained in Exhibit B Supplement, **and** must be supplemented by
 - (i) a brief narrative discussing the results obtained or difficulties encountered,
 - (ii) detailed time records describing all individual services rendered in increments of tenths rendered,
 - (a) the time spent for **each** service,¹
 - (b) the charge for each service,
 - (c) the Applicant's billing rate (and/or applicants associate's or paralegal's billing rate),
 - (iii) such other and further information as the Applicant believes is necessary to justify allowance of the fee pursuant to 11 U.S.C. § 330(a), and
 - (iv) if any of the Basic Services on Exhibit A are excluded, a copy of the engagement letter.

Copies of the Application as supplemented must be provided to the Chapter 13 Trustee, the debtor(s), and all Entries of Appearance. Notice of the Application must be mailed to the above parties and all other creditors, claimants, and parties in interest providing 20 days to object.

5. If there is no objection, the Court *may* allow the fee as requested, order further supplementation or set the Application for hearing. Any Order setting a hearing on an unopposed Application will identify the inadequacies or deficiencies in the Application which may result in reduction or disallowance of the requested fees or expenses. If an objection is filed, the Application and objection will promptly be set for hearing.

6. The Attorney must submit a form of order in substantial conformity with Exhibit D to this

¹ No lumping of time entries. Applicant must state specifically the amount of time for each task.

GPO except that the form of order shall include the specific amounts of fees and expenses requested and payable from plan payments. The form of order shall not be submitted in blank.

This General Order is effective *nunc pro tunc* January 1, 2007.

Dated: January 29, 2007

BY THE COURT:

Howard R. Tallman, Chief Judge
Sidney B. Brooks, Judge
A. Bruce Campbell, Judge
Elizabeth E. Brown, Judge
Michael E. Romero, Judge

Commentary

The PRF does not include services required for adversary proceedings.

When requesting fees using ¶ 4(a) of the PRF procedure, attorneys are not required to submit their engagement letter or other fee agreement, detailed time slips, or a narrative unless otherwise ordered by the Court, or requested by the Trustee or an objecting party. However, attorneys are advised that if their fees are questioned, it may be difficult, if not impossible, to prevail without the assistance of some or all of those items.

It is expected that the engagement will last through the earlier of consummation of the plan, entry of discharge, conversion or dismissal of the case. The PRF procedure is for requesting fees through the date of plan confirmation and is not intended to limit the scope of Chapter 13 engagements. The PRF process does not and should not limit the ability of debtors' attorneys to provide services post-confirmation. The court will entertain further fee applications, supported by time records, for post-confirmation work.

EXHIBIT A
BASIC SERVICES ANTICIPATED IN CHAPTER 13 CASES

The following services are Basic Services common to most Chapter 13 cases. Some cases will not require all of these services, but such services are considered essential to competent and effective representation of most debtors in Chapter 13. By utilizing the Presumptively Reasonable Fee (“PRF”) procedure, the attorney for the debtor(s) agrees to perform these services as part of the chapter 13 case. If providing these services results in a fee in excess of the PRF, counsel must apply for fees in accordance with the Bankruptcy Code and Rules. The PRF procedure is intended to cover pre-confirmation fees. If necessary, counsel may file a fee application for fees incurred post-confirmation.

1. Meet with the debtor(s) to review and analyze the debtor(s)' financial situation.
2. Counsel the debtor(s) on whether the filing of a bankruptcy case is appropriate and necessary and, if so, whether to file a Chapter 7 or Chapter 13 case.
3. Advise the debtor(s) of their statutory obligations once a bankruptcy is filed, both pre- and post-confirmation.
4. Evaluate the timing of the filing.
5. Evaluate conflict of interest issues.
6. Explain to the debtor(s) the nature and amount of fees and expenses to be charged for the Basic Services. Provide the debtor(s) with a copy of this Exhibit A of Basic Services.
7. If required to e-file, e-file all documents on debtors behalf.
8. Analyze eligibility for discharge.
9. Prepare and file required documents, including, but not limited to, the schedules and statement of affairs and Form B22 C, Statement of Current Monthly Income, and other information required to be filed by section 521(a) of the Code.
10. Assist the debtor(s) in formulating a budget and Chapter 13 plan.
11. Respond to creditor inquiries.
12. Timely supply requested information to the Chapter 13 Trustee.
13. Advise the debtor(s) with regard to the automatic stay.
14. Take appropriate action with respect to the automatic stay.
15. Appear at and represent the debtor(s) at the § 341 meeting of creditors.
16. Review claims filed by the final hearing on confirmation and account for them in the plan.
17. Represent the debtor(s) in negotiations with the Chapter 13 Trustee.
18. Prepare and file any necessary amendments to schedules, statements and proposed plans.
19. Where Debtor(s) own real estate or has lawsuits, obtain a lien search and if applicable, prepare and file motions for avoidance of liens.
20. Represent the debtor(s) at any Rule 2004 examination.
21. File or object to proofs of claim, as necessary.
22. If appropriate, prepare and file responses to motions and appear at any hearings.
23. Represent debtors in plan confirmation process and attend hearing if necessary on objections to confirmation.
24. Prepare all proposed orders and give all notices as required.
25. Comply with T.L.B.R. 1017 and 3015, 11 U.S.C. §§ 521 and 1308.

EXHIBIT B

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO
HONORABLE _____

In re:)
) Case No.
EIN/SSN) Chapter 13
Debtor(s).)

CHAPTER 13 FEE APPLICATION

SUMMARY

Pursuant to 11 U.S.C. § 330, Applicant, _____, attorney for the Debtor(s), requests allowance of the following fees and reimbursement of out-of-pocket expenses incurred up to the date of confirmation as follows:

- 1. TOTAL FEES REQUESTED in this application..... \$ _____
- 2. TOTAL EXPENSES REQUESTED in this application..... + \$ _____
- (Total Fees and Expenses Requested) = \$ _____
- 3. AMOUNT PAID TO DATE (exclusive of the filing fee) - \$ _____
- 4. NET AMOUNT OF FEES AND EXPENSES TO BE PAID THROUGH CONFIRMED PLAN NOT TO EXCEED AMOUNT FUNDED BY THE PLAN = \$ _____

DETAIL IN SUPPORT OF FEE REQUEST

FEES

Amount of fee Applicant agreed to with Debtor(s) for performing services to represent the Debtor in this case: (amount disclosed in 2016(b) disclosure).....\$ _____
(amount disclosed in amended 2016(b) disclosure).....\$ _____

- A. This agreed upon fee represents:
 - (1) ___ a flat fee for all basic services in the case
 - (2) ___ hourly charges based upon time spent.
 - (3) ___ other fee arrangement based upon _____.

B. Applicant's rate for attorney services is \$ _____ / hour; the rate for associate attorney services is \$ _____ / hour; and the rate for paralegal services is \$ _____ / hour.

EXPENSES

Amount of expenses incurred:

_____ copies (at _____/copy)	\$ _____
Postage	\$ _____
Other (specify)	
Facsimile	\$ _____
Legal Research	\$ _____
_____	\$ _____
Total:	\$ _____

**APPLICANT'S CERTIFICATIONS
IN SUPPORT OF REQUEST FOR PRESUMPTIVELY REASONABLE FEE
PURSUANT TO ¶ 4a OF G.P.O. 2007-2.**

APPLICANT CERTIFIES/ATTESTS THAT:

1. I have performed **ALL** of the Basic Services listed in Exhibit A to General Order 2007-2 (Basic Services) as necessary and appropriate to the Debtor(s)' case.
2. I provided a copy of Exhibit A, Basic Services, to General Order 2007-2 to my client(s).
3. The foregoing is true and accurate.

DATED: _____

Signature of Applicant

Name of Applicant

CERTIFICATE OF MAILING

[Applicant must mail to the Chapter 13 Trustee, the Debtor(s) and the Entries of Appearance]

EXHIBIT B SUPPLEMENT

**APPLICANT'S CERTIFICATIONS
IN SUPPORT OF SUPPLEMENTED REQUEST FOR FEES
PURSUANT TO ¶ 4b OF G.P.O. 2007-2.**

APPLICANT CERTIFIES/ATTESTS THAT:

1. ____ I have not performed the following services listed on Exhibit A to General Order 2007-2 (Basic Services) for the fee requested and a copy of the Engagement Letter and/or Fee Agreement is attached hereto.

2. ____ I am requesting a fee for services which exceeds the presumptive fee amount.

3. Attached to this Application are:

- (a) A narrative description of services performed such as results achieved, difficulties encountered or any other unique aspects of the case and discussing the standards of §330(a);
- (b) Detailed time records which includes:
 - (i) the **TIME SPENT** for each service rendered, broken out in tenths of an hour;
 - (ii) the **HOURLY RATE** for each service rendered;
 - (iii) the **CHARGE** for each service so rendered; and
- (c) Such other information as I believe is necessary to support my request for fees.

DATED: _____

Signature of Applicant

Name of Applicant

CERTIFICATE OF MAILING

[Applicant must mail Application to the Chapter 13 Trustee, the Debtor(s) and the Entries of Appearance. Applicant must mail the Notice (Exhibit C) to the above plus all creditors, claimants and parties in interest.]

**EXHIBIT D
UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO**

In re:)	
)	
)	Case No.
)	Chapter 13
SSN)	
Debtor.)	
_____)	

ORDER ALLOWING AND APPROVING FEES

_____, counsel for the Debtor, is allowed a fee for services herein of \$_____, and reimbursement of out-of-pocket expenses of \$_____, (or the prepayment of fees and expenses in the amount of \$_____ is approved) of which \$_____ is payable out of plan payments.

Dated:

BY THE COURT:

_____, Judge
United States Bankruptcy Court

Local Bankruptcy Form 216.1, Cover Sheet

[Caption as in Bankruptcy Official Form No. 16B]

Cover Sheet for Application for Professional Compensation

Name of Applicant: _____
Authorized to provide professional services to: _____
Date of Order Authorizing Employment: _____
Period for which compensation is sought: _____
Amount of fees sought: _____
Amount of expense reimbursement sought: _____
This is a(n): Interim Application []; Final Application [].

If this is not the first application filed herein by this professional, disclose as to all prior fee applications:

Date Filed	Period Covered	Total Requested (Fees and Expenses)	Total Allowed
		\$	\$
		\$	\$
		\$	\$
		\$	\$

The aggregate amount of fees and expenses paid to the Applicant to date for services rendered and expenses incurred herein is: \$_____.

Dated: _____

Local Bankruptcy Rule 218

Notification of Claim of Unconstitutionality

(a) Whenever in any action, suit, or proceeding to which the United States or any agency, officer or employee thereof is not a party, the constitutionality of any Act of Congress affecting the public interest is drawn in question, the party raising such question shall file a notice to enable the court to comply with 28 U.S.C. 2403(a), and shall serve a copy thereof upon the United States Trustee, giving the title of the cause, a reference to the questioned statute sufficient for its identification, and the respects in which it is claimed to be unconstitutional.

(b) Whenever the constitutionality of any statute of a state of the union is drawn in question in any action, suit or proceeding in which that state or any agency, officer or employee thereof is not a party, the party raising such question shall file a notice to enable the court to comply with 28 U.S.C. 2403(b), and shall serve a copy thereof upon the United States Trustee, giving the title of the cause, a reference to the questioned statute sufficient for its identification, and the respects in which it is claimed to be unconstitutional.

T.L.B.R. 2083-1 PRECONFIRMATION CHAPTER 13 ADEQUATE PROTECTION PAYMENTS ON PERSONAL PROPERTY

- (a) Preconfirmation Payments Pursuant to 11 U.S.C. § 1326(a)(1). Unless otherwise ordered by the Court, all preconfirmation adequate protection payments to holders of claims secured by personal property required under Section 1326(a)(1) shall not be made by the debtor directly to the secured claimant, but shall be paid to and disbursed in monthly payments by the Chapter 13 trustee. The debtor shall include as part of the preconfirmation plan payments to the trustee the amount required under Section 1326(a)(1), plus the amount necessary to pay the trustee's fee.
- (b) For the purpose of this rule, calculation of adequate protection shall be one percent (1%) of the outstanding principal balance due as of the date of the filing of the petition, unless otherwise ordered by the Court.
- (c) Payment of preconfirmation adequate protection is without prejudice to the secured creditor's right to object to confirmation of the debtor's plan or to seek determination as to value of the claim or the amount needed to provide adequate protection.
- (d) Preconfirmation disbursements by the Chapter 13 trustee under Section 1326(a)(1) are hereby authorized without further order, but such disbursements shall not be made unless such creditor has filed a proof of claim with the Court. Preconfirmation disbursements under Section 1326(a)(1) shall commence within 30 days of filing the proof of claim, unless the trustee has not received sufficient, cleared or good funds to make such payment. The trustee is authorized to deduct from an allowed claim all Section 1326(a)(1) preconfirmation disbursements and to retain the amount necessary to pay the trustee's statutory fee based upon the preconfirmation payments distributed by the trustee.

Local Bankruptcy Form 304, Notice ¹

[Caption as in Bankruptcy Official Form No. 16B]

Notice

This Notice is to inform you that a Proof of Claim has been filed on your behalf in this case. The claim is filed as a(n) _____ claim in the amount of \$ _____; a copy of the claim is attached to this Notice.

Dated: _____

Signature of Attorney for Debtor

Attorney's Address

City, State, and Zip Code

Telephone Number

Certificate of Service

The undersigned hereby certifies that on the date shown below, I served Notice upon the following creditors and/or attorneys by mailing a copy of same to them this _____ day of _____, _____, each in a sealed envelope bearing the return address shown above.

(Names of creditors or names of attorneys
for creditors, with correct addresses and zip codes).

Dated: _____

Signature

Printed Name

Name of Firm

Street Address

City, State and Zip Code

Telephone Number

¹ L.B.F. 304, rev. 12/1/99.

Local Bankruptcy Rule 301

Withdrawal of Written Instruments and Exhibits Filed with a Proof of Claim

Written instruments or other papers filed with a proof of claim may be withdrawn on motion of the claimant, if the motion is accompanied by legible photostatic or other exact copies of the papers to be withdrawn. If such papers are negotiable instruments, the originals shall be stamped with a statement that they were filed in support of a claim, showing the name and number of the case and the date of the filing of the claim.

Local Bankruptcy Rule 304

Filing of Claims by Debtor or Trustee

When a debtor, trustee, or an attorney for either of them, files a proof of claim, within the time limits set forth in Fed.R.B.P. 3004, pursuant to 11 U.S.C. 501(c), the person filing the claim shall, at the time of the filing of the claim, file and serve a notice of the filing upon the creditor and its counsel of record, if any, and the trustee. The notice shall be in substantial conformity with L.B.F. 304, Notice, and shall inform the creditor that a proof of claim has been filed for the creditor and it shall also advise the creditor of the amount and nature of the claim. A copy of the proof of claim may be attached to the notice in place of the statement of the amount and nature of the claim.

Local Bankruptcy Rule 305

Filing of Claims by Guarantor, Surety, Indorser or Other Co-Debtor

When an entity or its attorney files a proof of claim on behalf of a creditor pursuant to 11 U.S.C. 501(b) and Fed.R.B.P. 3005, the person filing the claim shall comply with the procedure set forth in L.B.R. 304.

Local Bankruptcy Rule 307

Objection to Claims

(a) Procedure for Objections: Any party objecting to the allowance of any claim shall file an objection stating with particularity the allegations of fact and grounds for the objection. The objection, together with a notice and opportunity to request a hearing on the objection pursuant to L.B.R. 202, shall be served upon the claimant and, if applicable, the debtor, the trustee, and counsel of record for any person so served, and a proof of service shall be filed with the Court on or before the court action date on the notice. Any claimant so served who does not respond and request a hearing will be deemed to have confessed the objection and consented to the entry of an order as prayed in the objection.

(b) Trustee's Objections to Claims in Chapter 13 Cases:

(1) As soon as practicable after the expiration of the last day for filing of claims in each case, the Standing Chapter 13 Trustee shall submit to the debtor and debtor's attorney a report of claims filed. The Standing Chapter 13 Trustee shall file with the court a certificate of compliance with this Rule;

(2) Within fifteen (15) days from the date of the Standing Chapter 13 Trustee's report of claims filed, the debtor shall make and file with the Standing Chapter 13 Trustee a written response to the report, which shall set forth the grounds for objections to claims. The debtor's failure to make and file the response shall constitute a waiver of all objections thereto; provided, however, that for good cause shown, the court may relieve the debtor from the effects of this Rule to prevent manifest injustice;

(3) If the debtor's response to the Standing Chapter 13 Trustee's report of claims makes objection to the allowance, amount, or classification of any of the claims filed, the Standing Chapter 13 Trustee or the debtor may file an objection to such claims and give notice thereof as specified in subsection (a), **supra**;

(4) In addition to the foregoing procedures, it shall be the duty of the Standing Chapter 13 Trustee to examine all proofs of claims and if appropriate, the Standing Chapter 13 Trustee shall make objection thereto in the manner specified in subsection (a), **supra**.

Local Bankruptcy Rule 315

Filing of Chapter 12 and Chapter 13 Plans

(a) Filing and Service of Original Chapter 13 Plan: The debtor in Chapter 13 shall file an original plan in substantial conformity with L.B.F. 315.1, 13 Plan, within the time limits specified in Fed.R.B.P. 3015(b). At or before the time of filing of the plan the debtor shall serve a copy of the plan together with a copy of a Notice of Filing in substantial conformity with L.B.F. 315.2, Notice, on the Standing Chapter 13 Trustee and all creditors, assignees, and other persons entitled to receive notice listed in the Chapter 13 Statement, and shall file a certificate of service within five (5) days after the date of such service.

(b) Motions to Avoid Liens in Chapter 13 Cases Only: Motions to avoid liens filed pursuant to 11 U.S.C. 522(f) must be filed at the time of the filing of the Chapter 13 Plan in accordance with Fed.R.B.P. 4003.

(c) Filing of Chapter 12 Plan: The debtor may file a Chapter 12 Plan with the petition. If a plan is not filed with the petition, it shall be filed within ninety (90) days thereafter unless the court, pursuant to 11 U.S.C. 1221, extends the time for filing of the plan.

Note: L.B.R. 315 has been modified by GPO 2004-3 Exhibit B. Please refer to [GPO 2004-3](#). [Replaced by 2007-2]

T.L.B.R. 3015-1 Chapter 13 Plan Confirmation (ONLY applies to cases filed after October 16, 2005 and supercedes L.B.R. 315 and 320 and GPO 2004-3 as they apply to Chapter 13 confirmation.)

(a) Filing of the Plan.

- (1) The plan should be filed with the petition. It must be filed no later than fifteen days after the Chapter 13 petition is filed. The form of plan shall conform to T.L.B.F. 3015-1.
- (2) The failure to timely file the plan shall result in the dismissal of the case pursuant to L.B.R. 505 and the United States Trustee's Standing Motion to Dismiss Deficient Case, without further notice, certification or hearing.

(b) Notice of the Plan and Confirmation Hearing.

- (1) When a Chapter 13 plan is filed with the petition, the Court will mail a copy of the plan along with the Notice of Meeting of Creditors which will contain the confirmation hearing date and the deadline to file objections to the plan. The Court will mail the plan by means of first class mail to the Chapter 13 trustee, the United States Trustee and to the addresses for parties as listed on the Creditors' Matrix filed in the case at the time of the mailing, subject to the redirection of mail by the Bankruptcy Noticing Center under 11 U.S.C. § 342. **The above mailing by the Court may not satisfy the service requirements of Fed.R.Bankr.P. 9014 and 7004; if not, the debtor is responsible for satisfying any applicable service requirements under those rules.**
- (2) If the plan is not filed with the petition, the debtor must forthwith serve a copy of the plan, within the time prescribed by T.L.B.R. 3015-1(a)(1), along with a legally sufficient notice setting forth the date, time and location of the confirmation hearing, the deadline to file objections to the plan, in substantial conformity with the language provided in the Notice of Meeting of Creditors section under "Filing of Plan, Hearing on Confirmation of Plan, Other Confirmation/Objection Deadlines".
- (3) No later than three business days following the debtor's mailing or transmission of any plan or amended plan, the debtor shall file a certificate of service setting forth the name of the document mailed and all parties and addresses to whom notice was provided.

- (4) The debtor is responsible for providing legally sufficient service and notice of the plan, the confirmation hearing, and objection date to any additional creditors added at any time during the case.

(c) Objections to Confirmation.

- (1) No later than three (3) days prior to the date first set for the meeting of creditors, objections to the plan shall be filed with the Court and served on the Standing Chapter 13 trustee, the debtor and debtor's counsel and shall clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. **General objections will not be considered by the Court** and the failure to plead with specificity may result in the Court striking the objection.
 - (I) A creditor's objection as to the claim amount owed as provided in the plan must be accompanied by an attached payment history and categorical calculation (*e.g.*, fees, costs, principal, interest) of the amount the creditor asserts is owed.
 - (ii) Objections as to the debtor's expenses or Current Monthly Income calculations must specify each expense item or calculation to which an objection is raised and the basis for the objection.
- (2) In the absence of objections to the applicable plan, after compliance with the verification requirements and upon submission of the Verification of Confirmable Plan, the Court may confirm the plan without requiring any parties to appear at a hearing on confirmation.

(d) Obligation to Meet and Confer.

- (1) No later than 10 days following the first date set for the meeting of creditors, the debtor and all parties objecting to confirmation shall meet and confer in an effort to resolve or narrow the issues in dispute.
- (2) The failure to comply with the obligation to meet and confer may result in the Court striking the objection or denying confirmation, as applicable.

(3) No later than 14 days following the first date set for the meeting of creditors, the debtor shall file and serve on any objecting parties a certificate setting forth the following information:

(I) The debtor has filed an amended plan that satisfies all of the objections filed by _____(names of objecting parties); and/or

(ii) The debtor filed an amended plan to address some of the objections filed by (names of objecting parties); and requests judicial determination of the following objections filed by (names of objecting parties) :

(iii) The debtor has not filed an amended plan to satisfy any objections filed and requests judicial determination of all of the objections filed by (names of objecting parties) .

(e) Amendments to the Plan Made Prior to Originally Scheduled Confirmation Hearing.

(1) Until the initial confirmation hearing is held, any amendments to the Plan shall be filed no sooner than the day following the first scheduled meeting of creditors, but no later than thirteen days following that meeting.

(2) Amended plans filed prior to the initial hearing on confirmation shall be served on the Chapter 13 trustee, any parties who objected to the most recent prior plan and parties who entered their appearance in the case. (If the plan is amended although no objections were raised, it must be served on the Chapter 13 trustee, any parties adversely affected by the amended plan and parties who entered their appearance in the case.)

(3) At the initial hearing on confirmation, the Court will direct what further notice, if any, is required for the amendment and provide instructions regarding the notice and setting of a further hearing.

- (4) Unless otherwise ordered, previously filed objections to confirmation are deemed withdrawn and new objections must be timely filed addressing the amended plan *if* it is sent on notice with an opportunity to object.
- (5) The Court may confirm the amended plan at any hearing on confirmation if there are no continuing objections, no further notice of the plan is required and the debtor provides the Verification of Confirmable Plan.

(f) Verification of Confirmable Plan, Compliance with 11 U.S.C. § 1325 and Submission of Statement of Consent Calendar Qualification.

- (1) **Verification of Confirmable Plan.** If no objections to the plan or amended plan, as applicable, have been filed or remain pending, the debtor shall file a verification of the following:
 - (i) the PACER docket numbers for the applicable plan now pending confirmation and certificates of service filed related to the plan.
 - (ii) there are no outstanding objections to the plan to be confirmed, and the plan may be confirmed on the consent calendar without further notice or hearing.
 - (iii) the debtor has paid all amounts required to be paid under domestic support obligations that became payable after the date of the filing of the petition or the debtor has no domestic support obligations;
 - (iv) the debtor has filed all tax returns required under 11 U.S.C. § 1308;
 - (v) all statements in the plan to be confirmed are true and correct and the plan contains sufficient facts to allow confirmation;
 - (vi) the debtor (or the Court, as applicable), has provided appropriate notice of the plan and any amendments serving them as required under T.L.B.R. 3015-1, Fed.R.Bankr.P. 2002(b), 9014 and 7004, and 11 U.S.C. § 342(e) and (f); and
- (2) The Verification of Confirmable Plan shall be submitted no earlier than ten days following the first date set for the meeting of creditors. Attached to the Verification of Confirmable Plan shall be a proposed order for confirmation in substantial conformity with T.L.B.F. 3015-2.

(g) Application of Fed.R.Bankr.P. 9006.

- (1) The time constraints set forth in 11 U.S.C. § 1324 compel the Court to shorten the notice period for objections to confirmation in certain instances. Parties are required to file objections within the time frames set forth in the Notice of Meeting of Creditors, unless ordered otherwise.
- (2) The time constraints imposed by Section 1324 compel the Court to disfavor any parties' request for extensions or further shortening of time periods established by this Rule, the Interim Rules, Fed.R.Bankr.P. and Title 11.

Transitional Local Bankruptcy Form 3015-1, 13 Plan
 [Caption as in Bankruptcy Official Form No. B16A]

**[DO NOT DELETE ANY PROVISION OF THIS FORM.
 MARK PROVISIONS THAT DO NOT APPLY AS N/A.
 ANY ADDITIONAL PROVISIONS MUST BE RECITED IN PART V. G.]**

CHAPTER 13 PLAN INCLUDING VALUATION OF COLLATERAL AND CLASSIFICATION OF CLAIMS

Date of Plan: _____

I. RELEVANT INFORMATION

A. Prior bankruptcies pending within one year of the petition date for this case:

Case No. & Chapter	Discharge or Dismissal/Conversion	Date

B. The debtor(s): ____ is eligible for a discharge; or
 ____ is not eligible for a discharge and is not seeking a discharge.

C. Prior states of domicile: within 730 days _____
 within 910 days _____.

The debtor is claiming exemptions available in the state of _____
 or federal exemptions_____.

D. The debtor owes or anticipates owing a Domestic Support Obligation as defined in 11 U.S.C. § 101(14A). Notice will/should be provided to these parties in interest:

E.

1. Parent _____
2. Government _____
3. Assignee or other _____

The debtor ____ has provided the Trustee with the phone number of the Domestic Support Obligation recipient or ____ cannot provide the phone number because it is not available.

F. The current monthly income of the debtor, as reported on Interim Form B22C is:
 ____ below ____ equal to or ____ above the applicable median income.

II. PLAN ANALYSIS

A. Total Debt Provided for under the Plan and Administrative Expenses

1. Total Priority Claims (Class One)
 - a. Unpaid attorney's fees \$ _____
 Total attorney's fees are estimated to be \$ _____
 of which \$ _____ has been prepaid.
 - b. Unpaid attorney's costs (estimated) \$ _____
 - c. Total Taxes \$ _____
 Federal: \$ _____; State: \$ _____
 - d. Other \$ _____
2. Total of payments to cure defaults (Class Two) \$ _____

3. Total payment on secured claims (Class Three) \$ _____
4. Total of payments on unsecured claims (Class Four) \$ _____
5. Sub-total \$ _____
6. Total trustee's compensation (10% of debtor's payments) \$ _____
7. Total debt and administrative expenses \$ _____

B. Reconciliation with Chapter 7

THE PROPERTY VALUES SET FORTH BELOW ARE LIQUIDATION VALUES RATHER THAN REPLACEMENT VALUES WHICH MAY APPEAR IN CLASS THREE IN THE PLAN.

1. Assets available to Class Four unsecured creditors if Chapter 7 filed:
 - a. Value of debtor's interest in non-exempt property \$ _____

Property	FMV	Less costs of sale	Less Liens	X Debtor's Interest	Less Exemptions	= Net Value

- b. Plus: value of property recoverable under avoiding powers \$ _____
 - c. Less: estimated Chapter 7 administrative expenses \$ _____
 - d. Less: amounts payable to priority creditors other than costs of administration \$ _____
 - e. Equals: estimated amount payable to Class Four creditors if Chapter 7 filed (if negative, enter zero) \$ _____
2. Estimated payment to Class Four unsecured creditors under the Chapter 13 Plan plus any funds recovered from "other property" described in Section III.A.3 below. . . . \$ _____

III. PROPERTIES AND FUTURE EARNINGS SUBJECT TO THE SUPERVISION AND CONTROL OF THE TRUSTEE

A. The debtor submits to the supervision and control of the Trustee all or such portion of the debtor's future earnings or other future income as is necessary for the execution of the Plan, including:

1. Future earnings of \$ _____ per month which shall be paid to the trustee for a period of approximately _____ months, beginning _____, 20____.

Amount	Number of Months	Total
One time payment and date		

2. Amounts for the payment of Class Five post-petition claims included in above \$ _____
3. Other property (specify): _____.

AT THE TIME THE FINAL PLAN PAYMENT IS SUBMITTED TO THE TRUSTEE, THE DEBTOR SHALL FILE WITH THE COURT THE CERTIFICATION REGARDING DOMESTIC SUPPORT OBLIGATIONS REQUIRED BY 11 U.S.C. § 1328(a) AND, IF NOT ALREADY FILED, INTERIM FORM B23 REGARDING COMPLETION OF FINANCIAL MANAGEMENT INSTRUCTION REQUIRED BY 11 U.S.C. § 1328(g)(1).

B. Debtor agrees to make payments under the Plan as follows:

___ VOLUNTARY WAGE ASSIGNMENT TO EMPLOYER:
(Employer's Name, address, telephone number)

___ DIRECT PAYMENT:
From debtor to Trustee

(___) _____

Paid in the following manner:

\$ _____ to be deducted _____ (weekly, monthly, per pay period, etc.)

IV. CLASSIFICATION AND TREATMENT OF CLAIMS

CREDITOR RIGHTS MAY BE AFFECTED. A WRITTEN OBJECTION MUST BE FILED IN ORDER TO CONTEST THE TERMS OF THIS PLAN. CREDITORS OTHER THAN THOSE IN CLASS TWO A AND CLASS THREE MUST FILE TIMELY PROOFS OF CLAIM IN ORDER TO RECEIVE THE APPLICABLE PAYMENTS.

A. Class One – Claims entitled to priority under 11 U.S.C. § 507. Unless other provision is made in paragraph V.(C), each creditor in Class One shall be paid in full in deferred cash payments prior to the commencement of distributions to any other class (except that the payments to the Trustee shall be made by deduction from each payment made by the debtor to the Trustee) as follows:

- 1. Allowed administrative expenses
 - a. Trustee's compensation (10% of amounts paid by debtor under this Plan) \$ _____
 - b. Attorney's Fees (estimated and subject to allowance) \$ _____
 - c. Attorney's Costs (estimated and subject to allowance) \$ _____

- 2. Other priority claims to be paid in the order of distribution provided by 11 U.S.C. § 507 (if none, indicate) \$ _____

a. Domestic Support Obligations: **A proof of claim must be timely filed in order for the Trustee to distribute amounts provided by the plan.**

Priority support arrearage: Debtor owes past due support to _____ in the total amount of \$ _____ that will be paid as follows:

[] Distributed by the Trustee pursuant to the terms of the Plan; or

[] Debtor is making monthly payments via a wage order [] or directly [] (reflected on Schedule I or J) in the amount of \$ _____ to _____. Of that monthly amount, \$ _____ is for current support payments and \$ _____ is to pay the arrearage.

Other: For the duration of the plan, during the anniversary month of confirmation, the debtor shall file with the Court and submit to the Trustee an update of the required information regarding Domestic Support Obligations and the status of required payments.

- b. Federal Taxes \$ _____
- c. State Taxes \$ _____
- d. Other Taxes (describe): _____ \$ _____
- e. Other Class One Claims (if any) (describe): _____ \$ _____

[] None

B. Class Two – Defaults

1. **Class Two A (if none, indicate) – Claims set forth below are secured only by an interest in real property that is the debtor's principal residence.** Defaults shall be cured and regular payments shall be made:

None

Creditor	Total Default Amount to be Cured ¹	Interest Rate	Total Amount to Cure Arrearage	No. of Months to Cure	Regular Payment per
					(i.e. month, week, etc.) to be Made Directly to Creditor and Date of First Payment

2. **Class Two B (if none, indicate) – Pursuant to 11 U.S.C. § 1322(b)(5), secured (other than claims secured only by an interest in real property that is the debtor's principal residence) or unsecured claims set forth below on which the last payment is due after the date on which the final payment under the Plan is due.** Defaults shall be cured and regular payments shall be made:

None

Creditor	Collateral	Total Default Amount to be Cured ²	Interest Rate	Total Amount to Cure Arrearage	No. of Months to Cure	Regular Payment per
						(i.e. month, week, etc.) to be Made Directly to Creditor and Date of First Payment

¹ The lesser of this amount or the amount specified in the Proof of Claim.

² The lesser of this amount or the amount specified in the Proof of Claim.

3. **Class Two C – Executory contracts and unexpired leases.** Executory contracts and unexpired leases are rejected, except the following which are assumed:

Other Party to Lease or Contract	Property, if any, Subject to the Contract or Lease	Total Amount to Cure, if any	No. of Months to Cure	Regular Monthly Payment Made Directly to Creditor and Date of Payment

IN THE EVENT THAT DEBTOR REJECTS THE LEASE OR CONTRACT, CREDITOR SHALL FILE A PROOF OF CLAIM OR AMENDED PROOF OF CLAIM REFLECTING THE REJECTION OF THE LEASE OR CONTRACT WITHIN 30 DAYS OF THE ENTRY OF THE ORDER CONFIRMING THIS PLAN, FAILING WHICH THE CLAIM MAY BE BARRED.

- C. **Class Three – All other allowed secured claims (other than those designated in Classes Two A and Two B above) shall be divided into separate classes to which 11 U.S.C. § 506 shall or shall not apply as follows:**

1. **Secured claims subject to 11 U.S.C. § 506.** The following creditors shall retain the liens securing their claims *until discharge under 11 U.S.C. § 1328 or payment in full under nonbankruptcy law*, and they shall be paid the amount specified which represents the lesser of:
- The value of their collateral or
 - the remaining balance payable on the debt over the period required to pay the sum in full.

Creditor	Specify Treatment (select a or b above)	Description of Collateral	Replacement Value of Collateral	Amount of Debt as Scheduled	Interest Rate	Total Amount Payable

IF DEBTOR IS PROPOSING TO MODIFY THE RIGHTS OF A SECURED CREDITOR, DEBTOR MUST SPECIFICALLY SERVE SUCH CREDITOR IN THE MANNER SPECIFIED IN FED.R.BANKR.P. 9014 AND 7004.

2. **Secured claims to which 11 U.S. C. § 506 shall not apply.** The following creditors shall retain the liens securing their claims, and they shall be paid the amount specified which represents the remaining balance payable on the debt over the period required to pay the sum in full:

Creditor	Description of Collateral	Amount of Debt as Scheduled	Interest Rate	Total Amount Payable

3. The debtor surrenders the following property securing an allowed secured claim to the holder of such claim:

Creditor	Property	Anticipated Date of Surrender

Relief from the automatic stay to permit enforcement of the liens encumbering surrendered property shall be deemed granted by the Court at the time of confirmation of this Plan. With respect to property surrendered, no distribution on the creditor's claim shall be made unless that creditor files a proof of claim or an amended proof of claim to take into account the surrender of the property.

4. **Adequate Protection:** The following creditor(s) shall receive payments in the nature of adequate protection pursuant to T.L.B.R. 2083-1, if applicable, or upon confirmation of the plan as follows:

Creditor	Collateral	Adequate Protection Payment Paid Through the Trustee	Adequate Protection Payment Paid By the debtor(s)	Total Payable Monthly in Equal Periodic Payments

None

D. Class Four – Allowed unsecured claims not otherwise referred to in the Plan. Class Four Claims are provided for in an amount not less than the greater of:

- The amount necessary to meet the best interests of creditors pursuant to 11 U.S.C. § 1325(a)(4) as set forth in Part II; or
- Total disposable income for the applicable commitment period defined by 11 U.S.C. § 1325(b)(1)-(4).

The monthly disposable income of \$_____ has been calculated on Form B22C (Chapter 13). Total disposable income is \$_____ which is the product of monthly disposable income of _____ times the applicable commitment period of _____.

- a. Class Four claims are of one class and shall be paid pro rata the sum of \$_____ and shall be paid all funds remaining after payment by the Trustee of all prior classes; or
A timely filed claim, found by the Court to be non-dischargeable pursuant to 11 U.S.C. § 523(a)(2), (4), or (6), will share in the distribution to Class Four. Collection of the balance is stayed until the case is dismissed, converted to a Chapter 7 or discharge enters, unless ordered otherwise.
- b. Class Four claims are divided into more than one class as follows:

_____.

E. Class Five (if none, indicate) – Post-petition claims allowed under 11 U.S.C. § 1305.

Post-petition claims allowed under 11 U.S.C. § 1305 shall be paid as follows: _____

_____.

None

V. OTHER PROVISIONS

A. Payment will be made directly to the creditor by the debtor(s) on the following claims:

Creditor	Collateral, if any	Monthly Payment Amount	No. of Months to Payoff

B. The effective date of this Plan shall be the date of entry of the Order of Confirmation.

C. Order of Distribution:

1. The amounts to be paid to the Class One creditors shall be paid in full, except that the Chapter 13 Trustee's fee shall be paid up to, but not more than, the amount accrued on actual payments made to date. After payment of the Class One creditors, the amounts to be paid to cure the defaults of the Class Two A, Class Two B and Class Two C creditors shall be paid in full before distributions to creditors in Classes Three, Four, and Five (strike any portion of this sentence which is not applicable). The amounts to be paid to the Class Three creditors shall be paid in full before distributions to creditors in Classes Four and Five. Distributions under the plan to unsecured creditors will only be made to creditors whose claims are allowed and are timely filed pursuant to Fed.R.Bankr.P. 3002 and 3004 and after payments are made to Classes One, Two A, Two B, Two C and Three above in the manner specified in Section IV.

2. Distributions to classes of creditors shall be in accordance with the order set forth above, except: _____

 _____.

D. Motions to Void Liens under 11 U.S.C. § 522(f). In accordance with Fed.R.Bankr.P. 4003(d), the debtor intends to file or has filed, *by separate motion served in accordance with Fed.R.Bankr.P. 7004*, a motion to void lien pursuant to 11 U.S.C. § 522(f) as to the secured creditors listed below:

Creditor	Collateral, if any	Date Motion to Void Lien Filed	Date of Order Granting Motion or Pending

E. Student Loans:

No student loans
 Student loans are to be treated as follows: _____
 _____.

F. Restitution:

- No restitution owed
- Debtor owes restitution in the total amount of \$_____ which is paid directly to _____ in the amount of \$_____ per month for a period of _____ months.
- Debtor owes restitution to be paid as follows:_____.

G. Other (list all additional provisions here): _____

 _____.

VI. REVESTMENT OF PROPERTY IN DEBTOR

All property of the estate shall vest in the debtor at the time of confirmation of this Plan.

VII. INSURANCE

Insurance in an amount to protect liens of creditors holding secured claims is currently in effect and will will not (check one) be obtained and kept in force throughout the period of the Plan.

Creditor to Whom This Applies	Collateral Covered	Coverage Amount	Insurance Company, Policy No. and Agent Name, Address and Telephone No.

- Applicable policies will be endorsed to provide a clause making the applicable creditor a loss payee of the policy.

VIII. POST-CONFIRMATION MODIFICATION

The debtor shall file and serve upon all parties in interest a modified plan which will provide for allowed priority and allowed secured claims which were not filed and/or liquidated at the time of confirmation. The value of property to satisfy 11 U.S.C. § 1325(a)(4) may be increased or reduced with the modification if appropriate. The modification will be filed no later than one year after the petition date. Failure of the debtor to file the modification may be grounds for dismissal.

Dated: _____

 Signature of Debtor

 Signature of Attorney for Debtor, or of *Pro Se* Debtor

 Signature of Co-Debtor Spouse

 Attorney's or *Pro Se* Debtor's Address

 City, State and Zip Code

 Telephone Number

Transitional Local Bankruptcy Form 3015-2, 13 Order

[Caption as in Bankruptcy Official Form No. B16A]

Order Confirming Chapter 13 Plan

IT HAVING BEEN DETERMINED AFTER NOTICE AND A HEARING:

That the Plan complies with Chapter 13 and all other applicable provisions of Title 11, United States Code;

That any fee, charge, or amount required under Chapter 123 of Title 28, United States Code, or by the Plan, to be paid before confirmation, has been paid;

That the action of the debtor(s) in filing the petition was in good faith;

That the Plan has been proposed in good faith and not by any means forbidden by law;

That the value, as of the effective date of the Plan, of property to be distributed under the Plan on account of each unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor(s) were liquidated under Chapter 7 of Title 11, United States Code on such date;

That the Plan complies with the provisions of 11 U.S.C. §1325(a)(5) as to holders of secured claims.

IT IS ORDERED:

The debtor(s)' Plan is confirmed;

The debtor(s) shall make payments in accordance with the terms of the Plan.

Creditors holding liens on property which the Plan specifies is to be surrendered by the debtor(s) are hereby granted relief from the stay imposed by 11 U.S.C. § 362 and may enforce their rights in and to said property.

The assumption of executory contracts on the terms stated in the Plan is approved. If the plan provides for the rejection of an executory contract or unexpired lease, the party to the rejected executory contract or lease shall file a proof of claim within 30 days of the date of the entry of this Order, failing which the claim may be barred.

BY THE COURT:

Dated: _____

United States Bankruptcy Judge

Local Bankruptcy Rule 317

Notice of Filing of Chapter 9 and Chapter 11 Disclosure Statement and Objections Thereto

(a) **Notice:** Notice of the time and place set by the court of the hearing on the adequacy of any disclosure statement filed pursuant to 11 U.S.C. 901 or 1125, and the date fixed for filing objections thereto, shall be mailed by the plan proponent to all creditors and other parties in interest pursuant to Fed.R.B.P. 2002(b) and 3017. A copy of the plan and disclosure statement also shall be mailed to the United States Trustee, the trustee in the case, if any, counsel for the Creditors' Committee (or when there is no counsel, to the committee chairman) at their addresses of record, and to the Securities and Exchange Commission. A copy of the plan and disclosure statement, if not proposed by the debtor, shall also be mailed to the debtor and to debtor's counsel.

(b) **Objections:** Objections to the adequacy of a proposed disclosure statement shall be made in writing, and shall be filed with the court and served upon the attorney for the proponent of the plan, the United States Trustee, counsel for the Creditors' Committee (or when there is no counsel, upon the committee chairman), and the Securities and Exchange Commission within the time fixed by the court. Objections shall specify clearly the grounds upon which they are based, including the citation of supporting legal authority, if any, and reference to the particular portions of the disclosure statement to which objection is made. General objections will not be considered by the court.

Local Bankruptcy Rule 319

Amendment and Modification of Chapter 12 and Chapter 13 Plans

(a) Amending a Chapter 12 Plan Prior to Confirmation: In the event the debtor amends the original Chapter 12 Plan prior to confirmation, the amended plan, and such notice as the court may order, shall be served upon the Standing Chapter 12 Trustee and upon the creditors and parties entitled to receive notice thereof, or as otherwise ordered by the court.

(b) Amending a Chapter 13 Plan Prior to Confirmation: In the event the debtor amends the original plan prior to confirmation, the format of the amended plan shall be in substantial conformity with L.B.F. 315.1, 13 Plan. If the amended plan is filed before the debtor(s) first attendance at the 341 Meeting, the amended plan shall, at or before the time when it is filed, be served on the Chapter 13 Trustee and all creditors and other persons entitled to receive notice except as otherwise ordered by the court. If the amended plan is filed after the first attendance by the debtor(s) at the 341 Meeting, the amended plan shall be served and noticed as required by L.B.R. 320(c).

(c) Modification of a Chapter 12 or Chapter 13 Plan After Confirmation: In the event the debtor desires to modify a confirmed Chapter 12 or Chapter 13 Plan, the debtor shall file the proposed modified plan together with a motion requesting modification which shall state with particularity the date the plan was originally confirmed, the reason for the modification and the effect upon distribution to the creditors should the modification be approved. If the modification is proposed after the expiration of the period for the filing of claims, service may be limited to the Trustee, any party expressly affected by the modification and upon those creditors who have filed proofs of claims.

Local Bankruptcy Rule 320

Confirmation of Chapter 12 and Chapter 13 Plans

(a) Motion to Confirm and Order Confirming Chapter 12 Plan:

(1) Motion to Confirm: The debtor shall file with the plan a motion to confirm in substantial conformity with L.B.F. 320.1, 12 Motion. This motion shall be verified by the debtor and served by the debtor upon all creditors, other parties in interest, and upon the Standing Chapter 12 Trustee. The motion must contain facts sufficient to enable the court to make appropriate findings in accordance with the requirements of Chapter 12. If the plan is amended after the filing of a motion to confirm, a new motion to confirm, verified by the debtor and conforming to the amended plan, shall be filed. A motion to confirm an amended plan shall act as a notice of dismissal of, or a motion to dismiss, any previously filed motion to confirm and shall be subject to Fed.R.B.P. 7041.

(2) Order of Confirmation: The order of confirmation shall be in substantial conformity with L.B.F. 320.2, 12 Order, and shall be prepared by the debtor and filed with the plan. Notice of entry thereof shall be mailed promptly by the clerk, or some other entity as the court may direct, to the debtor, trustee, all creditors, equity security holders, and other parties in interest.

(b) Notice and Hearing on Motion to Confirm Chapter 12 Plan:

(1) Contested Matter: Hearings on motions to confirm Chapter 12 plans are contested matters subject to Fed.R.B.P. 9014 and the service requirements of Fed.R.B.P. 7004.

(2) Hearing: At the time the plan is filed the debtor shall obtain from the court the date for the preliminary hearing for the confirmation of the plan. If no objection to confirmation is timely filed, the court, at the preliminary hearing, may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on those issues, and may enter an order confirming the plan, if it otherwise meets the requirements of 11 U.S.C. 1222 and

1225, based on such evidence and/or representations as are sufficient to the court. If objections to confirmation are filed, the court will conduct a preliminary hearing and status conference at the time set for the purposes of framing the issues to be heard at confirmation, the entry of orders pertaining to discovery, the setting of the final hearing on the confirmation of the plan, and the entry of such other orders pertaining to the debtor's motion to confirm as are appropriate, but no evidence will be taken and no witnesses need appear. The court shall conduct and conclude a confirmation hearing within the time prescribed by 11 U.S.C. 1224 and rule on confirmation of the plan.

(3) Notice: The debtor shall prepare a notice in substantial conformity with L.B.F. 320.3, 12 Notice, and shall serve a copy of the notice, the motion to confirm, and the plan on the Standing Chapter 12 Trustee, all creditors, and all equity security holders. Unless the court fixes a shorter period, notice of the hearing shall be given not less than twenty (20) days prior to the hearing. The debtor shall file a copy of the notice with the court within five (5) days after service thereof, and shall file with it a certificate of service showing compliance with this Rule.

(4) Objections: Objections to confirmation of the plan shall be filed with the court and served on the debtor, the Standing Chapter 12 Trustee, and on any other entity designated by the court, at least three (3) court days prior to the hearing or within such other time as may be fixed by the court. Objections shall clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered.

(c) Motion to Confirm, Objections to Confirmation and Order Confirming Chapter 13 Plan:

(1) Contested Matter: Hearings on motions to confirm Chapter 13 plans are contested matters subject to Fed.R.B.P. 9014 and the notice and service requirements of Fed.R.B.P. 2002 and 7004.

(2) Within ten (10) days following, but not before, the debtor's first attendance at the meeting provided for by 11 U.S.C. 341(a) the debtor shall file a motion to confirm. The motion to confirm shall be in substantial conformity with L.B.F.

320.4, 13 Motion. This motion shall be verified by the debtor and served by the debtor together with a copy of the plan and the notice required by L.B.R. 202 upon all creditors, other parties in interest, counsel who attended the meeting pursuant to 11 U.S.C. 341(a), and the Standing Chapter 13 Trustee.

(3) The verified motion to confirm must contain facts sufficient to enable the court to make appropriate findings in accordance with the requirements of Chapter 13. The failure of the debtor to include in the motion facts sufficient to make the required findings may result in dismissal or conversion to Chapter 7, as provided in 11 U.S.C. 1307.

(4) If the plan is amended after the filing and service of a motion to confirm, a new motion to confirm, verified by the debtor and conforming to the amended plan, shall be filed and served by the debtor together with a copy of the amended plan and the notice required by L.B.R. 202.

Note: L.B.R. 320 has been amended by GPO 2004-3. Please refer to [GPO 2004-3](#). [Replaced by 2007-2]

(5) The date for the filing and service of the initial motion to confirm may be changed only upon the express order of the court for good cause shown and only upon the filing of a motion by the debtor prior to the expiration of the time for the filing of the motion to confirm.

(6) Objections and Confirmation: Objections to any relief sought in the motion to confirm, or an objection to the confirmation of the plan, shall be filed and served upon the Standing Chapter 13 Trustee, debtor and counsel for the debtor if debtor is represented by an attorney. If no written objection is filed by the Standing Chapter 13 Trustee in opposition to the plan or to any relief sought in the motion to confirm, the court may presume that the Trustee has reviewed the plan, the debtor's petition and budget, and the motion to confirm and has concluded that the debtor qualifies for relief under Chapter 13, the plan meets the requirements for confirmation specified by 11 U.S.C. 1325, and that the Trustee recommends confirmation of the plan.

Local Bankruptcy Form 320.1, 12 Motion

[Caption as in Bankruptcy Official Form No. 16B]

Motion to Confirm Chapter 12 Plan

THE DEBTOR MOVES FOR ORDERS AS FOLLOWS:

- (1) For an order confirming plan filed [insert date].
- (2) In accordance with the requirements of § 1225(a)(4), debtor(s) assert(s) that as of the effective date of the Plan, the value of property to be distributed under the Plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor(s) were liquidated under Chapter 7, Title 11, United States Code, on such date. This contention is based upon the facts set forth below:
 - a. As of the date of the Petition, the debtor(s) owned property which would be part of the property of the estate, as defined by 11 U.S.C. § 541, if a Petition had been filed under Chapter 7 of Title 11 of the United States Code. That property has a liquidation value after deduction of the amount of liens and encumbrances against such property of.....\$ _____
 - b. If debtor(s) had filed a Petition for Relief under Chapter 7 on same date, debtor(s) would be entitled to exempt from the Estate property having a value.....\$ _____
Debtor(s) has (have) claimed such property as exempt in the manner required by law.
 - c. If debtor(s) had filed a Petition under Chapter 7 on said date:
 - 1. Debtor(s) would owe debts entitled to priority under 11 U.S.C. § 507, including costs of administration, in the total amount of.....\$ _____
 - 2. Debtor(s) would owe allowed unsecured claims in the total amount of.....\$ _____
 - d. There would be available for distribution to creditors holding allowed unsecured claims after payment of priority claims an amount of.....\$ _____
 - e. It is estimated that distribution under Chapter 7 to each creditor holding an unsecured claim as of said date would be ____% of each claim.
 - f. The Chapter 12 Plan provides that creditors holding allowed unsecured claims which are timely filed in accordance with Fed.R.B.P. 3002 and 3004 will receive at least ____% of each claim.
- (3) For an order pursuant to 11 U.S.C. § 506(a) valuing secured claims which are to be paid through the plan (list here all claims in which there is a dispute over the value of collateral).

Debtor alleges that the allowed secured and allowed unsecured claims of creditors holding collateral are:

Name of Creditor	Description of Collateral	Amount of Debt	Debtor's Contention of Value of Collateral

Debtor(s) believes (believe) the property has the value set forth above because: _____
_____.

- (4) For an order pursuant to § 1225(a)(5) valuing property to be distributed under the plan to holders of secured claims who do not accept the plan (list here all such secured claims whether the value of collateral is disputed or admitted).

In support of confirmation and for determination that as of the effective date of the Plan the value of property to be distributed to holders of secured claims under the Plan is not less than the allowed amount of such claims, it is alleged that the following is correct:

Name of Creditor	Allowed Secured Claim	Total to be paid on secured claim	Capitalization rate in percentage

Creditors shall take notice that in the absence of a written objection by a creditor, the valuations asserted above by the debtor will be accepted by the Court and shall be used in the Court's determination of the amounts to be distributed to holders of secured claims who do not accept the Plan.

The capitalization rate set forth above was chosen because: _____.

(5) For an order approving the classification of claims (strike this paragraph if not applicable).

In support of a determination that the classification of unsecured claims in the Plan complies with 11 U.S.C. § 1222(b)(1), it is asserted that the classification contained in the Plan is based upon the facts asserted below.

Unsecured claims (Class Four) are classified as follows:

The Plan provides the same treatment for each claim within each subclass of Class Four.

The claims of each subclass of Class Four are substantially similar to the remaining claims in that subclass because _____.

The division of unsecured claims into subclasses does not discriminate unfairly against any other subclass because _____.

(6) For an order pursuant to § 1222(c) approving time for payments over a period of more than 36 months (strike any portion of this paragraph not applicable).

The Plan requires payment over a period of approximately ____ months. Because the Plan takes more than 36 months to complete distribution, the debtor requests approval of the Court. Cause exists for the payment over a period of more than three years but not longer than five years as follows (explain): _____.

Dated: _____

Signature of Debtor

Signature of Spouse

Signature of Attorney for Debtor

Attorney's Address

City, State, and Zip Code

Telephone Number

Verification

Under penalty of perjury, I (we) do hereby adopt the statements contained in this motion and state that those statements are true to the best of my (our) knowledge and belief.

Dated: _____

Signature of Debtor

Signature of Spouse

Local Bankruptcy Form 320.2, 12 Order

[Caption as in Bankruptcy Official Form No. 16B]

Order Granting Motion to Confirm and Confirming Plan

IT HAVING BEEN DETERMINED AFTER NOTICE AND A HEARING:

That the Plan complies with Chapter 12 and all other applicable provisions of Title 11, United States Code;
 That any fee, charge, or amount required under Chapter 123 of Title 28, United States Code, or by the Plan, to be paid before confirmation, has been paid;
 That the Plan has been proposed in good faith and not by any means forbidden by law;
 That the value, as of the effective date of the Plan, of property to be distributed under the Plan on account of each unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor(s) were liquidated under Chapter 7 of Title 11, United States Code on such date;
 That the Plan provides that the holders of secured claims who have not accepted the Plan shall retain their liens, and the value, as of the effective date of the Plan, of property to be distributed under the Plan on account of each secured claim whose holder has not accepted the Plan is not less than the allowed amount of each of those claims;
 That the debtor(s) will be able to make all payments under the plan and to comply with the plan;
 That, if this order is entered after an objection to confirmation has been filed herein, the value of the property to be distributed under the plan on account of the objector's claim is not less than the amount of such claim, or the plan provides that all of the debtor's(') projected disposable income to be received during the plan, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.

IT IS ORDERED:

The Motion to Confirm is granted;
 The debtor's(') Plan is confirmed;

The assumption of executory contracts on the terms stated in the Plan is approved.
 The debtor(s) shall make the payments specified in the plan in the amounts and on the dates provided for therein.

BY THE COURT:

Dated: _____

 United States Bankruptcy Judge

Local Bankruptcy Form 320.3, 12 Notice

[Caption as in Bankruptcy Official Form No. 16B]

**Notice of Hearing and the Right to
Object to Chapter 12 Plan**

Notice is hereby given that the above-captioned debtor(s) have filed herein a plan for the payment of their debts pursuant to the provisions of Chapter 12 of Title 11 of the United States Code, together with a motion to confirm the same, and the Court has set a preliminary hearing on the Debtor's(') motion to confirm which will be held on _____ at _____ .M. in Courtroom ___ of the United States Bankruptcy Court, for the purpose of considering the debtor's(') motion and plan.

Please take further notice that any party objecting to the confirmation of the plan must file a written objection which must specify the grounds upon which the objection is made. The objection shall be filed with the court and served upon the debtor's(') counsel (or the debtor(s) if not represented by counsel) and upon the Chapter 12 Trustee not less than three (3) court days prior to the date set for the preliminary hearing. If no objection is filed and served within the time specified, the Court may grant the motion and confirm the plan without taking further evidence. If objections to confirmation are filed, at the preliminary hearing no evidence will be taken and no witnesses need appear, but the Court will hear the preliminary statements of the parties, will conduct a status conference to determine the matters at issue and the time needed for hearing, may enter orders concerning discovery and will set a final date for the hearings on the confirmation of the debtor's(') plan which date will, in any event, be within the time mandated by Section 1224 of the Bankruptcy Code unless said date is continued for cause.

Dated: _____

Signature of Debtor

Signature of Spouse

Signature of Attorney for Debtor

Attorney's Address

City, State, and Zip Code

Telephone Number

Local Bankruptcy Rule 401

Notice of Hearing on Motion for Relief from Stay

[\(Please see GPO 2005-2 for additional affidavit compliance requirements for Motions for Relief from Stay\)](#)

[\(Please click here for information on the Verification of Military Status\)](#)

(a) Motions for Relief from Automatic Stay under 11 U.S.C. 362(d):

(1) Each Judge of the Court will maintain his or her division's individual motion calendar. Information as to the time and dates of each division's calendar may be obtained from the Clerk of the Court. Unless otherwise provided by court order, all motions for relief from stay shall be set for hearing on the calendar of the division to which the case is assigned.

(2) A party desiring to file a motion for relief from stay in a pending bankruptcy case will select from the calendar of available hearing dates a proposed date of hearing, which will be the latest hearing date available on the division's calendar which is not more than thirty (30) days from the date the motion for relief from stay is filed. In the event the movant sets a hearing date beyond thirty (30) days, the movant is deemed to have waived its right under 11 U.S.C. 362(e) to automatic relief after thirty (30) days.

(3) The movant shall, on or before the date the motion for relief from stay is filed, serve the motion and a notice of hearing, which shall be filed in substantial conformity with L.B.F. 401.1, Notice, on all interested parties. A certificate of service on both the motion and the notice shall be filed together with the motion and notice. The notice of hearing shall specify that an objection and request for hearing must be filed at least five (5) court days prior to the hearing date and that, if no objection to the requested relief is timely filed, the relief requested in the motion may enter.

(4) If no objection is filed to the motion and the movant desires entry of any order granting relief, then not earlier than three (3) court days after the date on which objections are due, the movant shall submit to the court:

(A) a Certificate of Non-Contested Matter and Request for Entry of Order which shall be in substantial conformity with L.B.F. 401.3, Movant's Non-Contested Certificate Regarding Motion for Relief From Stay; and

(B) a form of order which shall be in substantial conformity with L.B.F. 401.2, Order; or

(C) a stipulation for entry of relief.

(5) At the time the bankruptcy case is closed pursuant to 350, 707, 930, 1112, 1208, or 1307 of Title 11, all pending motions for which no certificate has been submitted pursuant to this section shall be deemed moot and the Clerk shall enter an order accordingly.

(b) Motions for Relief from Stay Under 11 U.S.C. 1201 or 1301: The procedures for seeking relief from the codebtor stay shall be the same as that specified in (a) above except the hearing date selected shall be the latest hearing date available on the division's calendar which is not more than twenty (20) days after the date the motion for relief from stay is filed, and the response and request for hearing must be filed not less than three (3) court days before the specified hearing date.

(c) Procedures: The following procedures shall apply at the hearing on the motion for relief from automatic stay:

(1) No witnesses will be examined and no testimony will be taken. Evidence will be presented in the manner hereinafter specified.

(2) In lieu of testimony, a party intending or desiring to present evidence shall do so by way of an oral declaration of facts. Such declaration shall be limited to offers of proof with respect to the evidence which the party would submit in sufficient detail to enable the court to make specific findings based thereon, and shall include the identity of the witnesses who would be available at the evidentiary hearing to present such testimony. Written summaries of witnesses' testimony are not required but may be submitted.

(3) Parties shall exchange all exhibits they intend to use, or may reasonably anticipate using prior to the hearing. The exhibits shall be tendered with the court at the hearing, together with a statement identifying the witness or witnesses who would be called to identify and lay the foundation for the introduction of such exhibits.

(4) Objections to tendered declarations or exhibits shall be made at the conclusion of each party's declaration. Any objections made shall identify the evidence objected to and specify the ground therefor.

(5) Based on the declarations, exhibits and arguments presented, the court may treat the hearing as a preliminary hearing and, if required by 11 U.S.C. 362(e), set the matter over for a final hearing. Any party anticipating the use of an expert witness for a final hearing will, at the initial hearing:

(A) identify the witness;

(B) mark as an exhibit and file a copy of the qualifications of the witness; and

(C) mark as an exhibit and file a written summary of the expert's expected testimony and opinions to be expressed.

(6) Parties and counsel shall bring their calendars to the scheduled hearing so that a final hearing, if required, can be set.

(7) The parties shall be required to state that efforts to settle have been made.

(8) Failure to comply with this Rule may result in such orders or sanctions as may be appropriate, including denial of the motion.

Local Bankruptcy Form 401.1, Notice

[Caption as in Bankruptcy Official Form No. 16B]

Notice of Hearing or Preliminary Hearing

YOU ARE HEREBY NOTIFIED that a Motion for Relief from Stay, a copy of which is herewith served on you, has been filed with this Court. A hearing on the motion has been set for _____ at _____ o'clock __. M., in Courtroom ____, located at _____. The hearing will be conducted in accordance with the provisions of Local Bankruptcy Rule 401.

If you desire to oppose this Motion, you are required to file with this Court and serve upon _____, attorney, whose address is _____, a written response to the motion on or before (three) (five)* court days prior to the date of the hearing.

If you fail to file a response, an order granting the relief requested will be granted without further notice to you.

Dated: _____

Signature of Attorney for Movant

* Three (3) days applies to Motions for Relief from Codebtor Stay pursuant to 11 U.S.C. §§ 1201 and 1301. All other Motions for Relief from Stay filed pursuant to 11 U.S.C. § 362(d) are five (5) days.

Local Bankruptcy Form 401.2, Order

[Caption as in Bankruptcy Official Form No. 16B]

Order Granting Relief from Stay

_____, has filed herein an application for relief from stay

1. to foreclose on and/or take possession and control of property described as follows:

2. to proceed with the liquidation of claims involving the debtor or the debtor's estate pursuant to certain proceedings presently pending in _____

3. (other) _____

The Court, being duly advised, hereby orders that the relief sought by the application should be granted, and Movant is hereby granted relief from stay in order to proceed to take possession of, by way of the appointment of a receiver and otherwise, and to foreclose on the collateral above described, or to proceed with the above described litigation (but not to seek to enforce any judgment Movant may obtain against the debtor personally or the debtor's post-petition property.)

BY THE COURT:

Dated: _____

United States Bankruptcy Judge

Local Bankruptcy Form 401.3
Movant's Non-Contested Certificate Regarding
Motion for Relief From Stay¹

[Caption as in Bankruptcy Official Form No. 16B]

Certificate of Non-Contested Matter and Request for Entry of Order

On _____, _____, Movant, filed a motion or application pursuant to Local Bankruptcy Rule 401 entitled _____.
Movant hereby represents and shows the Court:

1. Service of the motion/application was timely made on all interested parties pursuant to L.B.R. 913 as is shown on the certificate of service previously filed with the motion/application.

2. Service of the notice was timely made on all creditors pursuant to L.B.R. 401(a)(3), or in the manner permitted by an order of the Court, a copy of which is attached, as is shown on the certificate of service previously filed with the notice.

3. A hearing on said motion/application was scheduled for _____.

4. (If this motion/application has been filed in a Chapter 13 case) No order confirming the debtor's Chapter 13 plan has been entered.

5. No objections to or requests for hearing on the motion/application were received by the undersigned.

WHEREFORE, Movant prays that the Court forthwith enter an order, a form of which is submitted herewith, granting the requested relief.

Dated: _____

Signature of Attorney for Movant

Court Use Only: The undersigned deputy clerk certifies that on the date inscribed below, a check of the electronic entries on record in this matter confirms that no objections to or requests for hearing on this motion have been entered.

Dated: _____

Signature of Deputy Clerk

¹ L.B.F. 401.3, added, rev. 12/1/99.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF COMPLIANCE
WITH THE SERVICEMEMBERS CIVIL
RELIEF ACT OF 2003

Filed
June 27, 2005
U. S. Bankruptcy Court
District of Colorado
Bradford L. Bolton, Clerk

GENERAL PROCEDURE ORDER NUMBER 2005-2

Effective August 1, 2005, in order to comply with the provisions of the Servicemembers Civil Relief Act of 2003 (“SCRA”), 50 App. U.S.C. § 501 et seq., regarding the entry of default judgments and other applicable parts of the SCRA as to individuals, the Court requires the following:

1. Default Judgments. At the time of the filing of a motion for default judgment in an adversary proceeding pursuant to Fed. R. Bankr. P. 7055, the plaintiff must file an affidavit with the Court which states (a) whether or not the defendant is in the military service, and indicating the necessary facts to support said affidavit; or (b) if the plaintiff is unable to determine whether or not the defendant is in the military service, a statement that the plaintiff is unable to so determine. See Section 521(b)(1). If a plaintiff moving for a default judgment does not submit the required affidavit, the motion will be denied. If the Court is unable to ascertain the defendant’s military status from the presented affidavit, it may require the plaintiff to file a bond before entering any default judgment. Section 521(b)(4) states that the affidavit requirement “may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.”
2. Motions for Relief from the Automatic Stay. At the time of the filing of a motion for relief from stay under Fed. R. Bankr. P. 4001, after the effective date of this order, the movant must file an affidavit with the Court which states (a) whether or not the respondent is in the military service, and indicating the necessary facts to support said affidavit; or (b) if the movant is unable to determine whether or not the respondent is in the military service, a statement that the movant is unable to so determine. See Section 521(b)(1). The Court will deny motions to lift the stay if the movant does not supply the required affidavit. If the Court is unable to ascertain the respondent’s military status from the presented affidavit, it may require the movant

to file a bond before entering any order lifting the stay.

3. Debtor's Information. In order to assist the Court in its determination of a debtor's status under SCRA, a debtor should inform the Court if he or she is a servicemember subject to the provisions of SCRA at the time of the filing of the bankruptcy petition by submitting a separate writing in the form of L.B.F. Misc. SCRA Declaration. If, at any time during the pendency of the bankruptcy proceedings a debtor becomes entitled to the protections of SCRA, he or she shall inform the Court of the change in military status within ten (10) days of the change in status. **Failure by the debtor to inform the Court of his or her military status does not in any way constitute a waiver of the debtor's protections under SCRA, and does not alter the responsibility of a party to investigate the debtor's servicemember status before filing any of the papers referred to in subparagraphs (1) through (3) of this General Procedure Order.**
4. Verification. Information on how to obtain verification of the military status of an individual is available from the Clerk's office or on the Court's web site.

Dated: June 27, 2005

BY THE COURT:

Sidney B. Brooks, Chief Judge
A. Bruce Campbell, Judge
Elizabeth E. Brown, Judge
Howard R. Tallman, Judge
Michael E. Romero, Judge

United States Bankruptcy Court
District of

In re

Case Number

Chapter

STATEMENT OF MILITARY SERVICE

The Servicemembers' Civil Relief Act of 2003, Pub. L. No. 108-189, provides for the temporary suspension of certain judicial proceedings or transactions that may adversely affect military servicemembers, their dependents, and others. Each party to a bankruptcy case who might be eligible for relief under the act should complete this form and file it with the Bankruptcy Court.

IDENTIFICATION OF SERVICEMEMBER

- Self (Debtor, Codebtor, Creditor, Other)
Non-Filing Spouse of Debtor (name)
Other (Name of servicemember)
(Relationship of filer to servicemember)
(Type of liability)

TYPE OF MILITARY SERVICE

U.S. Armed Forces (Army, Navy, Air Force, Marine Corps, or Coast Guard) or commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration (specify type of service)

- Active Service since (date)
Inductee - ordered to report on (date)
Retired / Discharged (date)

U.S. Military Reserves and National Guard

- Active Service since (date)
Impending Active Service -orders postmarked (date)
Ordered to report on (date)
Retired /Discharged (date)

U.S. Citizen Serving with U.S. ally in war or military action (specify ally and war or action)

- Active Service since (date)
Retired/Discharged (date)

DEPLOYMENT

- Servicemember deployed overseas on (date)
Anticipated completion of overseas tour-of-duty (date)

SIGNATURE

Signature line

Date

(print name)

FILED
March 13, 2008
U. S. Bankruptcy Court
District of Colorado
Bradford L. Bolton, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF FORMS OF
COMMUNICATION NOT IN
VIOLATION OF THE
AUTOMATIC STAY

GENERAL PROCEDURE ORDER NUMBER 2008-1

THIS MATTER arises *sua sponte* upon the need to direct that, to the greatest degree possible, the routine flow of information from secured creditors to debtors continue post-petition with respect to secured loans constituting consumer debt (as that term is defined by 11 U.S.C. § 101(8)), in each bankruptcy case where the debtor retains possession of the collateral and continues to make regular installment payments directly to the secured creditor. Accordingly, it is

ORDERED THAT the following communication and issuance of monthly statements are declared appropriate and not a violation of the automatic stay:

1. **Permissible contact with the debtors.** Creditors who provide account information or monthly statements under this General Procedure Order will not be found to have violated the automatic stay by doing so. Secured creditors may contact the debtors about the status of insurance coverage on property that is collateral for the creditor's claim, may respond to inquiries and requests for information about the account from debtors, and may send the debtor statements, payment coupons, or other correspondence that the creditor sends to its non-debtor customers, without violating the automatic stay, provided none of these communications includes an attempt to collect the debt. Permissible forms of communication are those which are sent to debtors by creditors in the ordinary course of business, to the address that the debtor last provided to the creditor by agreement between the debtor and the creditor. In order for communication to be protected under this General Procedure Order, the communication must indicate it

is provided for information purposes and does not constitute a demand for payment.

2. **Manner of contacting debtors.** Permissible communications may be transmitted via electronic mail, facsimile, United States Postal Service, commercial communications carrier, or such other mode as is mutually acceptable to the parties.

Dated: March 13, 2008

BY THE COURT:

Howard R. Tallman, Chief Bankruptcy Judge
Sidney B. Brooks, Bankruptcy Judge
A. Bruce Campbell, Bankruptcy Judge
Elizabeth E. Brown, Bankruptcy Judge
Michael E. Romero, Bankruptcy Judge

T.L.B.R. 4002-1 Debtor's Duties and Parties' Responsibilities Regarding Requests for Tax Information Under 11 U.S.C. § 521 (e) and (f)

Direction to parties regarding requests for tax information and filing of tax information.

- (a) The debtor should redact all personal information from tax returns or transcripts filed with the Court. Redact the following: all but the last 4 digits of the social security number; all names of minor children; all but the last 4 digits of any bank, savings or similar accounts; and provide only birth year, not date of birth. **All tax information filed electronically with the Court must be submitted under the "tax information" event from the CM/ECF event list.**
- (b) The Court will not redact any information if the debtor fails to make the redactions.
- (c) Motions for the debtor's tax return or transcript under 11 U.S.C. § 521(f) must be filed with the Court and served on the debtor and debtor's counsel. The movant must describe the movant's status in the case, provide a description of tax information sought, indicate why the information cannot be obtained from any other sources, and state the need for and use of the information.
- (d) Any tax information provided under Section 521(e) and (f) is confidential and may only be disseminated as appropriate under the circumstances of the case. A party who obtains tax information or receives tax information pursuant to Section 521 shall not disseminate the same to third parties without prior Court authorization, except that the tax information may be provided to the United States Trustee or professionals retained for service in the case by the party with the tax information. Monetary or other sanctions may be imposed for improper use, disclosure or dissemination of tax information.
- (e) Within three business days of mailing or otherwise transmitting a copy of tax information upon a requesting party as ordered under T.L.B.R. 4002-1(c) and Section 521(f), the debtor shall file a certificate of service verifying that the information was served upon the requesting party.

T.L.B.R. 4004-1 Discharge

- (a) Financial Management Course Certification in individual debtor Chapter 7 and 13 cases. The Court cannot grant a discharge to individual debtors in Chapter 7 and 13 cases without receipt of a statement regarding completion of a course in personal financial management as required by I.B.R. 1007(b)(7). Chapter 7 and 13 cases that have been fully administered, other than the granting of a discharge and the filing of the financial management course certification, will be closed by the Court without the entry of a discharge; a new filing fee will be required to reopen the case to file the financial management certification and to permit the entry of the discharge.

- (b) Individual debtor cases in which 11 U.S.C. § 522(q)(1) applies. The Court cannot grant a discharge if there is reasonable cause to believe that Section 522(q)(1) may be applicable to the debtor and there is a conviction of a felony as defined in Section 3156 of Title 18, or pending any proceeding in which the debtor may be found guilty of a felony of the kind described in Section 522(q)(1)(A), or may be liable for a debt of the kind described in Section 522(q)(1)(B). Prior to the entry of the discharge, any party, including the debtor, a creditor, case trustee, and United States Trustee, with knowledge that Section 522(q)(1) may apply to the debtor shall file a statement justifying the assertion that there is reasonable cause to believe Section 522 (q)(1) applies.

FILED
February 27, 2008
U. S. Bankruptcy Court
District of Colorado
Bradford L. Bolton, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF REQUIRING
REAFFIRMATION AGREEMENT
COVER SHEET

GENERAL PROCEDURE ORDER NUMBER 2008-2

THIS MATTER arises *sua sponte* to facilitate the appropriate review and consideration of Reaffirmation Agreements filed pursuant to 11 U.S.C. § 524(c). In order to allow for such review, the Court finds that the attached Reaffirmation Agreement Cover Sheet shall be adopted as Transitional Local Bankruptcy Form (TLBF) 4008-1 and is to be completed in its entirety and filed along with any Reaffirmation Agreement filed pursuant to 11 U.S.C. § 524(c).

ORDERED THAT pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure the attached Reaffirmation Agreement Cover Sheet is adopted as TLBF 4008-1.

FURTHER ORDERED THAT on and after May 1, 2008, TLBF 4008-1 shall be completed in its entirety and filed along with any Reaffirmation Agreement filed pursuant to 11 U.S.C. § 524(c).

Dated: February 27, 2008

BY THE COURT:

Howard R. Tallman, Chief Bankruptcy Judge
Sidney B. Brooks, Bankruptcy Judge
A. Bruce Campbell, Bankruptcy Judge
Elizabeth E. Brown, Bankruptcy Judge
Michael E. Romero, Bankruptcy Judge

Local Bankruptcy Form 4008.1

[Caption as in Bankruptcy Official Form No. 16B]

COVER SHEET FOR REAFFIRMATION AGREEMENT

This form must be completed in its entirety and filed within the time set under FED.R.BANKR.P. 4008. It may be filed by any party to the reaffirmation agreement. The filer also must attach a copy of the reaffirmation agreement to this cover sheet.

Debtor's Name: _____ Creditor's Name: _____

1. Amount of debt as of commencement of case: \$ _____

2. Amount of debt being reaffirmed: \$ _____

3. Describe collateral, if any, securing debt: _____

4. Repayment term of reaffirmation (number of months): _____

5. Monthly payment:
Prior to reaffirmation: \$ _____ After reaffirmation: \$ _____

6. Annual percentage rate under reaffirmation:
Prior to reaffirmation: _____ After reaffirmation: _____

7. Debtor's monthly income at time of reaffirmation: \$ _____

8. Income from Schedule I, line 16: \$ _____

9. Explain any difference in the amounts set out on lines 7 and 8: _____

10. Debtor's monthly expenses at time of reaffirmation: \$ _____
(do not include the monthly expense of this reaffirmed debt)

11. Current expenditures from Schedule J, line 18: \$ _____

12. Explain any difference in the amounts set out on lines 10 and 11: _____

Check this box if the amount on Line 10 of this form exceeds the amount on Line 7 of this Form. If these expenses exceed the income, a presumption of undue hardship arises.

Check this box if the debtor **was not** represented by counsel during the course of negotiating this reaffirmation agreement.

FILER'S CERTIFICATION

I, _____, hereby certify that the attached agreement is a true and correct copy of the reaffirmation agreement between the parties identified on this Cover Sheet for Reaffirmation Agreement.

Dated: _____

By: _____

Counsel to _____

Attorney registration number

Business address

Telephone number

Facsimile number

E-mail address

DEBTOR'S CERTIFICATION

(see FED. R. BANKR. P. 4008(b))

I, _____ (name of debtor) _____, certify that any explanation contained on lines 9 or 12 of this form is true and correct.

Dated: _____

By: _____

Signature of debtor

Printed name of debtor

Home address

Telephone number

Facsimile number

E-mail address

I, _____ (name of joint-debtor) _____, certify that any explanation contained on lines 9 or 12 of this form is true and correct.

Dated: _____

By: _____

Signature of joint-debtor, if any

Printed name of joint-debtor

Home address

Telephone number

Facsimile number

E-mail address

ATTORNEY SIGNATURE

Dated: _____

By: _____

Counsel to _____

Attorney registration number

Business address

Telephone number

Facsimile number

E-mail address

Local Bankruptcy Rule 408

Reaffirmation of Dischargeable Debts

A debtor who, prior to the entry of an order of discharge, has executed a reaffirmation agreement, or any creditor who is a party to any such agreement, may at any time up to thirty (30) days after the date of the order of discharge file a motion for hearing or for approval of reaffirmation agreement pursuant to 11 U.S.C. 524(d). Upon receipt of said motion the court shall set the matter for hearing.

Local Bankruptcy Rule 500

Calendars

Each judge shall maintain an individual calendar. Effort will be made to avoid conflicts of counsel with all earlier firm trial court settings made known to the judge. In the absence of compelling, extraordinary circumstances, trailing calendars or uncertain settings in this court will not be permitted to interfere with firm settings in other courts. Firm trial or hearing dates in this court will not be vacated to defer to trailing calendars or uncertain settings in other trial courts.

Local Bankruptcy Rule 505

Deficient Filings, Removal of Papers, and Deposits to the Registry

(a) Deficient Filings:

(1) **"Deficiency" Defined:** A case filing shall be deemed to be "deficient" if not made in compliance with, and in the time specified in, the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and these Local Bankruptcy Rules.

(2) Cause For Dismissal: In the event that a case is deficient as defined in subsection **(a)(1)** of this Rule, such deficiency shall constitute cause for dismissal pursuant to 11 U.S.C. 707(a), 1112(b) & (e), 1208(c)(1), and 1307(c)(1) & (9).

(3) Standing Motion to Dismiss by United States Trustee: The United States Trustee has filed with the court a document entitled "[United States Trustee's Standing Motion to Dismiss Deficient Case](#)," which applies to any deficient case filed with the clerk. In the event a deficient voluntary case is filed with the clerk, the clerk shall immediately provide notice of the deficiency and motion to dismiss as follows:

(A) Notice to the debtor and the debtor's attorney shall be prepared and mailed to the addresses shown on the petition.

(B) Notice to the creditors and other interested parties shall be mailed by the clerk to the addresses of the creditors and other interested parties, if any, as shown on the Creditors Mailing Address Matrix provided for in L.B.R. 102(b).

(C) Any party desiring to object to the dismissal of the case may do so by filing an objection and request for hearing in accordance with L.B.R. 202(c).

(4) Dismissal: The deficient voluntary case shall be dismissed unless the deficiency is cured within the time fixed for the filing of objections to the notice of the motion to dismiss, or such other time as may be fixed by the court. If the deficiency is timely cured, the motion to dismiss will be denied.

(b) Removal of Pleadings and Other Papers from Court Files:

(1) No document in the files of the court shall be taken from the office of the clerk or the custody of the court except on court order.

(2) Exhibits marked and offered in evidence in a case may be withdrawn before final judgment only upon court order. After final judgment an exhibit may be withdrawn by the party offering it without court order. If not withdrawn within thirty (30) days after final judgment, and except as otherwise ordered by the court, exhibits may be destroyed or otherwise disposed of as the clerk may determine. As used in the Rule, "final judgment" means a judgment not subject to further appellate review.

(c) Deposits to the Registry: No funds may be deposited to or withdrawn from the registry of the court without a written court order. Such an order shall specify in detail the amounts deposited by or to be paid to any party, and shall state the names and addresses of any person or company to whom funds are to be paid. No money shall be deposited into an interest-bearing account without a specific order so directing. A copy of that order shall be served on the clerk by the party who obtained that order.

Local Bankruptcy Rule 507

Please see "Safeguarding Personal Information and Electronic Transcripts" found later in this document.

Reporting and Transcripts

(a) Transcripts: The court reporter or transcription service preparing a transcript of any hearing, or of any meeting conducted by the United States Trustee or the Standing Chapter 12 or 13 Trustees in which a transcript has been ordered, shall comply with the provisions of 28 U.S.C. 753.

(b) Original Reporter's Notes or Original Tape Recordings: The original reporter's notes or original tape recordings of any court hearings shall be filed pursuant to Fed.R.B.P. 5007(a). Notes or tape recordings so filed shall be subject to withdrawal only by the official contractor for reportorial services, or the designated representative, or by the reporter who filed said notes.

(c) Use of Camera and Recording Devices: The use or operation of any camera, recording device, or other mechanical means for the visual reproduction of the likeness of an individual or object, or for the auditory reproduction of a voice or sound, is prohibited inside all courtrooms occupied by the court and in all rooms used for meetings pursuant to 11 U.S.C. 341. The use or operation of any camera is further prohibited in all other premises occupied by the court. This Rule is not applicable to employees of the court or designees of the United States Trustee acting pursuant to their official duties or to any certified court reporter,

and the court in its discretion may waive this Rule.

Local Bankruptcy Rule 510

Reopening Cases

(a) Motions to reopen bankruptcy cases shall be accompanied with the payment of any prescribed filing fees. Copies of the motion shall be served upon the United States Trustee, the twenty (20) largest unsecured creditors in a Chapter 11 case, and upon any party impacted by the motion.

(b) Payment of the filing fee to reopen a bankruptcy case filed by the trustee due to the discovery of additional assets in the estate shall be payable at the time the motion to reopen is filed. The trustee may file a motion to have the payment of the fee delayed until there are sufficient assets in the estate to pay such fee. Payment of the trustee's compensation pursuant to 11 U.S.C. 330(b) shall be paid only to the extent that the reopened case filing fee was paid.

(c) An adversary proceeding to determine the dischargeability of a debt under Fed.R.B.P. 4007(b) or to effectuate a discharge under 11 U.S.C. 524(a) may be commenced, maintained and concluded whether or not the underlying bankruptcy case has been closed under Fed.R.B.P. 5009 or reopened under Fed.R.B.P. 5010. For the purposes of 28 U.S.C. 1334(b) and 1409(a), the underlying bankruptcy case, if closed, is deemed reopened and pending while the adversary proceeding is pending.

Local Bankruptcy Rule 511

Motions for Withdrawal of the Reference

A motion for withdrawal of a case or proceeding shall be accompanied by payment of the prescribed filing fee and be filed with the Clerk of the Bankruptcy Court together with a single copy of such other portions of the record as may be

necessary for consideration of the motion. The Clerk of the Bankruptcy Court shall refer the motion and record to the Clerk of the U. S. District Court for hearing before the District Court pursuant to Fed.R.B.P. 5011(a).

Local Bankruptcy Rule 604

Use, Sale or Lease of Property

When all of the nonexempt tangible property of the estate has an aggregate gross value of less than \$2,500, the clerk, or other such party as the court may direct, shall give a general notice to all parties in interest of a trustee's intent to sell such property. The notice shall be incorporated in the Notice of Meeting of Creditors and Notice of Automatic Stay. Objections to such sale shall be filed with the court and served upon the trustee within fifteen (15) days after the first date set for the meeting of creditors. Nothing shall preclude the trustee from seeking authority to sell any such property pursuant to Fed.R.B.P. 6004(a) before the meeting of creditors.

Local Bankruptcy Rule 726

Discovery*

(a) Unless otherwise ordered by the court, reasonable notice for the taking of depositions or conducting examinations under Fed.R.B.P. 2004 and 7030 (Rule 30(b)(1), F.R.Civ.P.) shall be not less than ten (10) days.

The filing of a motion for protective order shall stay the discovery or the Fed.R.B.P. 2004 examination pending further order of the court.

(b) Motions under Fed.R.B.P. 2004, 7026 and 7037 seeking the type of relief provided for in Rules 26(c) and 37(a), F.R.Civ.P., directed to interrogatories or requests under Fed.R.B.P. 2004, 7033 or 7034, or to responses thereto, shall set forth the interrogatory, request and response constituting the subject matter of the motion.

(c) Pursuant to Fed.R.B.P. 7005 and 7003, and Fed.R.Civ.P. 726(a)(4), discovery materials, including deposition transcripts, interrogatories and answers, requests for production or inspection, request for admissions and responses to them, and all initial disclosures and disclosures of expert testimony required by Fed.R.Civ.P. 26(a)(1) and (2) shall not be filed with the court. If relief is sought under Fed.R.B.P. 7026 or 7037, copies of the pertinent portions of discovery materials shall be filed with the motion. If

interrogatories, requests, answers, responses, or other disclosures are to be used at hearing or trial, the portions to be used shall be marked and prepared for offering as evidence at the outset of the hearing or trial insofar as their use can reasonably be anticipated.

(d) A request for production or inspection under Fed.R.B.P. 2004 or 7034 shall fix the date, time, and place therefor. The party to whom the request is made shall comply, unless such party has already responded, objected, or sought relief under Fed.R.B.P. 2004 or 7026 seeking the type of relief provided for in Rule 26(c), F.R.Civ.P., within the times fixed by Fed.R.B.P. 7034 (Rule 34(b), F.R.Civ.P.).

(e) Unless otherwise ordered, the court will not entertain any motion under Fed.R.B.P. 2004, 7026 and 7037 seeking the type of relief provided for in Rules 26(c) and 37, F.R.Civ.P., unless counsel for the moving party has conferred or has made reasonable effort to confer with opposing counsel concerning the matter in dispute before the filing of the motion. Counsel for the moving party shall file a certificate of compliance with this Rule with any motion filed under Fed.R.B.P. 2004, 7026 and 7037 seeking the type of relief provided for in Rules 26(c) and 37, F.R.Civ.P.

***See also L.B.R. 914**

Local Bankruptcy Rule 726.1

Special Provisions Regarding Limited and Simplified Discovery

(a) Unless modified or rescinded by order of the court for good cause shown or by written stipulation of the parties, the provisions of this Rule shall apply in all adversary proceedings and contested matters under Fed.R.B.P. 7001 and 9014.

(b) A party may take the depositions of only three persons.

(c) A party may serve only one set of written interrogatories upon each adverse party, provided however that the number of interrogatories to any one party shall not exceed thirty (30), each of which shall consist of a single question.

(d) A party may serve only one set of requests for admissions upon each adverse party, provided however that the requests for admissions shall not exceed twenty (20) in number, each of which shall consist of a single request.

(e) In all other respects, the Federal Rules of Bankruptcy Procedure shall govern the procedures and manner of taking discovery.

(f) A request for discovery beyond that which is provided for herein shall be granted only upon motion and notice. In ruling upon such requests, the factors to be considered by the court shall include, but shall not be limited to, the following:

- (1) whether the factual and legal issues involved in the case lend themselves to expanded discovery;
 - (2) the extent and expense of discovery anticipated in the case;
 - (3) the amount in controversy;
 - (4) the number of parties and their alignment with respect to the underlying claims and defenses; and
 - (5) whether any party would be prejudiced in the trial of the case by the application of this Rule.
- (g) If any party fails to comply with the provisions of this Rule, the court may impose sanctions upon such party, or counsel for such party, or both.

Local Bankruptcy Rule 801

Local Bankruptcy Rule 801 (*This rule was written before Colorado began participating in the 10th Circuit Bankruptcy Appellate Panel. Please read in conjunction with Fed.R.Bankr.P. 8001.)

Filing of Appeals

An original notice of appeal in substantial conformity to Bankruptcy Official Form 17 or motion for leave to appeal an interlocutory order, if appropriate, and three (3) copies plus one (1) additional copy for each appellee shall be filed with the Clerk of the Bankruptcy Court. Upon the filing of a notice of appeal and the acceptance of the fees therefore, the clerk shall forthwith transmit a copy of the notice or motion to the Clerk of the District Court.

Local Bankruptcy Rule 804

Service of Documents Pending Appeal

(a) **Appeal Service List:** In order to comply with Fed.R.B.P. 8004, immediately upon the filing of a notice of appeal or motion for leave to appeal interlocutory order, the clerk shall create and file an Appeal Service List for service on appeal.

(b) Service: In addition to the provisions of Fed.R.B.P. 8004, the clerk shall serve upon the parties specified in the appeal service list the following:

(1) In the case of a notice of appeal pursuant to Fed.R.B.P. 8001(a):

(A) copies of the docket sheet bearing the title and document number, if applicable, of all documents recorded within the case which relate to the cause of action and order being appealed;

(B) a transcript order form;

(C) an instruction sheet which is included as an exhibit to the clerk's notice; and

(D) a copy of the appeal service list.

(2) In the case of a motion for leave to appeal interlocutory order pursuant to Fed.R.B.P. 8001(b):

(A) an instruction sheet; and

(B) a copy of the appeal service list.

Local Bankruptcy Rule 806

Record on Appeal

(a) Designation of Record on Appeal: The provisions of Fed.R.B.P. 8006 govern the designation of the record on appeal. Supplemental designations of record shall not be allowed except upon motion with notice to opposing parties and counsel, and only by order of the court.

(b) Copies of Items Designated: Pursuant to Fed.R.B.P. 8006, the clerk shall include in the Record of Appeal copies of the notice of appeal, the judgment, order, or decree appealed from, any opinion, findings of fact, and conclusions of law of the court, all exhibits in custody of the clerk, all testimony of witnesses received by written declaration, and a copy of the relevant entries on the docket in the bankruptcy case or proceeding. Any party filing a designation of additional items to be included in the record on appeal shall prepare and file concurrent with the designation two copies of such items in accordance with Fed.R.B.P. 8006. No item shall be designated nor included in the record on appeal which is

not part of the official record of the bankruptcy court.

Local Bankruptcy Rule 807 Please refer to "Safeguarding Personal Information in Electronic Transcripts" found later in this document.

Appeal Transcripts

(a) Order and Preparation of Transcript: Fed.R.B.P. 8007(a) governs the ordering and preparation of transcripts on appeal. Parties to an appeal are cautioned that the court will not permit delay of transmission of the record on appeal for failure by the parties to make satisfactory arrangements for payment or failure to make the payment itself. Fed.R.B.P. 8006 requires that if the record designated by any party includes a transcript, the party shall, immediately after filing the designation, deliver to the reporter and file with the clerk a written request for the transcript and make satisfactory arrangements for payment of its cost.

(b) Completion and Transmission of the Record:

(1) Contents: Fed.R.B.P. 8007(b) governs the completion and transmission of the record on appeal to the office of the Clerk of the District Court by the Clerk of the Bankruptcy Court. Such record shall include only copies of pleadings and other documents contained in the file and defined in L.B.R. 806(b), and shall be assembled as follows:

(A) Volume I: Pleadings

(B) Volume II: Transcript (if designated)

(C) Volume III: Exhibits (if designated)

(2) Copies: Two complete copies of Volume I shall be prepared, one of which shall be stamped with the inscription "Judge's Copy."

(c) Preliminary Hearings:

(1) Before the record is transmitted, a party may move in the district court pursuant to Fed.R.B.P. 8007(c) for dismissal, for additional security for the bond on appeal or on a supersedeas bond, or for any intermediate order. Such motion

shall be filed with the Clerk of the District Court. Copies shall be served upon the opposing party and the Clerk of the Bankruptcy Court.

(2) Contemporaneously with serving a copy of the motion upon the Clerk of the Bankruptcy Court, the movant shall file a designation and one copy of each item of the original record which are deemed necessary for a determination of the motion. A copy of the designation shall be served on the opposing party. If the opposing party desires to designate and include additional items of the original record, he or she shall do so contemporaneously with the filing of his or her response to the motion. Upon receipt of the copies of the items so designated, the Clerk of the Bankruptcy Court shall assemble and transmit the preliminary record to the Clerk of the District Court.

Local Bankruptcy Rule 808

Service of Papers on Appeal

Parties to an appeal shall comply with the service provisions of Fed.R.B.P. 8008(b) by serving copies of all papers filed upon all persons in the appeals service list prepared under L.B.R. 804(a).

Local Bankruptcy Rule 904

Form, Preparation and Copies of Pleadings and Papers

(b) All petitions, pleadings, and other papers shall contain the business address, telephone number, **facsimile transmission (FAX) number and electronic mail (e-mail) address, if any**, and attorney registration number of the attorney filing the petition, pleading, or other paper, or the address and telephone number of a **Pro Se** individual filing the petition, pleading, or other paper.

Local Bankruptcy Rule 909

Forms

Forms designated by these Rules or by the Federal Rules of Bankruptcy Procedure shall be followed as closely as is practicable.

Local Bankruptcy Rule 910

Attorneys

(a) Practice: An attorney admitted to practice, and who remains in good standing, with the United States District Court for the District of Colorado is qualified to practice in this bankruptcy court, subject to the following:

(1) Address of Record: The official address of record for an attorney appearing in a bankruptcy case or proceeding shall be the address appearing below the signature of said attorney on the petition, complaint, motion, pleading, entry of appearance, change of address or other paper most recently filed in the case or proceeding, and said address shall so appear in the respective case or proceeding in the Court's automated docket system data base notwithstanding other addresses, if any, which may be of record on behalf of the attorney in other cases or proceedings in which the attorney has made an appearance.

(2) Notice of Change of Address in Each Specific Case or Proceeding: Pursuant to Fed.R.B.P. 9010(b), the attorney shall file and serve a separate notice of change of address in each pending case or proceeding in which the attorney has previously entered an appearance.

(b) Pro Hac Vice: An attorney who is a member in good standing of the bar in any other state or of any other court of the United States, but not authorized to appear in this court, may, upon motion for admission to practice **pro hac vice** filed in the Bankruptcy Court, participate in the conduct of a particular case in this court. Unless otherwise ordered by the bankruptcy judge to whom the case is assigned, the motion shall be allowed only if the attorney associates with an active member in good standing of the bar of the United States District Court for

the District of Colorado, who shall meaningfully participate in the preparation and trial of the case. The resident attorney shall sign the first pleading filed. Any notice, pleading, or other paper may be served on the resident attorney with the same effect as if personally served on the non-resident attorney within the state.

(c) Representation of a Corporation, Partnership, or Other Unincorporated Organization: No corporation, partnership, or other unincorporated organization shall file a petition under Title 11, U.S.C., or otherwise appear, unless it is represented by an attorney authorized to practice in the United States District Court for the District of Colorado. The attorney representing such an entity shall sign the petition.

(d) Entry of Appearance: Attorneys who file a general entry of appearance in a case shall be placed on the creditors mailing matrix for the case as a party in interest and shall only receive copies of notices, orders, and other documents to which parties in interest may be entitled pursuant to Fed.R.B.P. 2002.

(e) Withdrawal of Appearance: An attorney who has appeared in a case may seek to withdraw on motion showing good cause. Withdrawal shall be effective only on court order entered after service of the notice of withdrawal on all counsel of record and on the withdrawing attorney's client. A motion to withdraw must specify the reasons for withdrawal unless that would violate the canons of professional ethics. Notice to the attorney's client must include the warning that the client personally is responsible for complying with all court orders and time limitations established by any applicable Rules. Where the withdrawing attorney's client is a corporation, partnership, or other legal entity, the notice shall state that such entity cannot appear without counsel admitted to practice before this court, and absent prompt appearance of substitute counsel, pleadings, motions and other papers may be stricken, and default judgment or other sanctions may be imposed against the entity. This Rule applies to substitute counsel.

Local Bankruptcy Rule 913

Motions, Forms and Service

(a) All motions shall be served in accordance with the provisions of the Federal Rules of Bankruptcy Procedure and these Rules. For those motions not specifically provided for in the Federal Rules of Bankruptcy Procedure or these Rules, the moving party shall serve copies of the motion on counsel for the trustee or debtor-in-possession, the debtor, all parties against whom relief is sought, in Chapter 11 cases on counsel for each official committee and the United States Trustee, in Chapter 13 cases on the Standing Chapter 13 Trustee, and in Chapter 12 cases on the Standing Chapter 12 Trustee.

(b) All motions filed with the court shall be accompanied by a proposed order on a separate sheet of paper.

(c) In the event the Clerk of the Bankruptcy Court is not specifically required to do so, whenever a petition, pleading, motion, application, notice, objection, report, or other paper is required to be transmitted to, or served upon, the United States Trustee by the Federal Rules of Bankruptcy Procedure, the party filing such petition, pleading, application, notice, objection, report, or other paper shall transmit to, or serve the same upon, the United States Trustee and shall file with the court a verified statement in accordance with Fed.R.B.P. 5005(b)(2).

Local Bankruptcy Rule 914

Discovery in Contested Matters

The discovery requirements of Fed.R.Civ.P. 26(a)(1)-(4) and (f) shall not be applicable to any contested matters, as defined by Fed.R.B.P. 9014, except as otherwise ordered by the Court.

Local Bankruptcy Rule 919

Alternative Dispute Resolution

At any stage of the proceedings, on a motion of a judge or pursuant to motion or stipulation of counsel, a judge may direct the parties to an adversary proceeding or contested matter to engage in an early settlement conference or other alternative dispute resolution proceeding. To facilitate settlement or resolution of the dispute, the judge may stay the proceeding or contested matter in whole or in part during a time certain or until further order. Relief from an order under this Rule may be had upon motion showing good cause.

Local Bankruptcy Rule 925

Bonds

(a) A party, the spouse of a party, or an attorney in a case shall not be accepted as a personal surety on any bond filed in that case.

(b) Where the surety on a bond is an approved surety company, a power of attorney showing the authority of the agent signing the bond shall be on file with the clerk.

Local Bankruptcy Rule 929

Modification of Rules

Any of these Rules may, for good and compelling cause shown, be subject to such modification as may be necessary to meet a bona fide emergency, to avoid irreparable injury or harm, or as may otherwise be necessary to do substantial justice.

Rules, Procedures, and Other Filing Information

United States Bankruptcy Court

for the District of Colorado

INDEX TO GENERAL PROCEDURE ORDERS

Following are General Procedure Orders ("GPO") issued by the United States Bankruptcy Court for the District of Colorado.

[GPO 2007-3](#) - In the Matter of Bankruptcy Court Records Retention and Disposal

[GPO 2007-2 EXHIBIT A EXHIBIT B EXHIBIT C EXHIBIT D](#) (**[Click here for Word and WordPerfect Formats](#)**) - In the Matter of Procedures for Fee Applications in Chapter 13 Cases. This GPO sets the new presumptive fee, required services and corresponding forms for fee applications in Chapter 13 cases.

[GPO 2007-1](#) - In the Matter of Procedures for Section 1112(b)(1) Motions to Dismiss or Convert Chapter 11 Cases. A new procedure has been established to provide for the administration of these time sensitive motions.

[GPO 2006-5](#) - In The Matter Of Modifying The Public Record In Certain Situations When E-Filers Use Incorrect Events For Pleadings Filed On And After December 11, 2006.

[GPO 2006-4](#) - In the Matter of Adoption of Amended Interim Bankruptcy Rule 1007 and Revised Forms. Effective October 1, 2006, the Court adopts Amended Interim Rule 1007 and the revised forms, please **[click here for a more detailed explanation](#)**.

[GPO 2006-3](#) - In the Matter of Establishing a Requirement for Chapter 7 Trustees and the Standing Chapter 13 Trustee to Provide Docket Entries for Each Case When the Meeting of Creditors is continued.

[GPO 2006-2](#) - In the Matter of Establishing Deadline to Raise Employee Income Record Deficiencies Under 11 U.S.C. § 521.

[GPO 2006-1](#) (2nd Amended) - Second Amended General Procedure Order-2006-1 adopting a revised Transitional Local Bankruptcy Form 1002-2 which reflects that the new Exhibit D to the Voluntary Petition is to be filed, with its attachments, at the time the case is filed. It also eliminates the need for electronic filers to submit the Form 1002-2 Cover Sheet, although those filers would be required to comply with the submission of Exhibit D to the

Voluntary Petition. This is effective October 16, 2006. [Click here for the Cover Sheet](#)

[GPO 2005-8](#) - In the Matter of Noticing 11 U.S.C. § 341 Meetings For Cases Filed From October 6, 2005 Through October 16, 2005

[GPO 2005-6](#) - In The Matter Of Adoption Of Interim Bankruptcy Rules

[GPO 2005-5](#) - In The Matter Of Adoption Of Transitional Local Bankruptcy Rules And Forms

[GPO 2005-3](#) - In The Matter Of Student Practice Rule

[GPO 2005-2](#) - Compliance with the Servicemembers Civil Relief Act of 2003([The Court's Miscellaneous Form has been replaced by Director's Form 202 Statement of Military Service.](#))

[GPO 2005-1](#) - In The Matter Of Refusing To Accept For Filing Amendments To Debtor's Statement Of Financial Affairs Or Schedules Tendered Without The Prescribed Filing Fee

GPO 2004-3 - This General Procedure Order has been superceded by [GPO 2007-2](#)

[GPO 2004-1](#) - In The Matter of Waiver Of Requirement To File Exhibit B To The Chapter 13 Fee Application

[GPO 2003-6](#) (Amended) - To Clarify Procedure for Conversions

[GPO 2003-4](#) (Amended, Effective 05/01/2007) - In The Matter of Procedures for the Privacy of Court Records including the Receipt and Safeguarding of Debtors' Social Security Numbers

[GPO 2002-6](#) [EXHIBIT A](#) [EXHIBIT B](#) [EXHIBIT C](#) - Procedures in Chapter 11 Cases

[GPO 2002-5](#) - Waiver of Miscellaneous Filing Fee for Electronic Filing of Amendments to a Debtor's Schedule of Creditors, Lists of Creditors, Matrix, or Mailing Lists

[GPO 2002-4](#) - Deficient Cases Tendered for Filing

[GPO 2002-2](#) - Refusing to Accept for Filing Bankruptcy Petitions Tendered Without the Prescribed Filing Fee in All Chapters, or Without the List of 20 Largest Unsecured Creditors in Chapter 9 and 11 Cases

[GPO 2001-8](#) (4th Amended, Effective 01/01/2008) - Implementation of Electronic Filing Procedures

[**GPO 2001-7**](#) (Amended, Effective 05/01/2007) - Revised Guidelines for Preparation and Submission of Creditor Address Mailing Matrix

[**GPO 2001-1**](#) (2nd amendment) [**EXHIBIT A EXHIBIT B EXHIBIT C**](#) - Procedures for Fee Applications in Chapter 13 Cases

[**GPO 2001-1**](#) (1st amendment) - Procedures for Fee Applications in Chapter 13 Cases

[**GPO 1999-3**](#) - Notices Mailed by the Clerk or Other Entities Using Official Funds of the United States Courts on Behalf of Trustees Assigned to Administer Bankruptcy Cases

[**GPO 1997-1**](#) - Exemption From Payment of PACER Access Fees for Colorado Courts

[**GPO 1996-5**](#) (Amended) - Exemption to Payment of PACER Access Fees by Trustees Serving in Chapter 7 Cases, and Standing Trustees in Chapter 12 and Chapter 13 Cases

[**GPO 1996-3**](#) (Amended) - Limiting Notice in Chapter 7 Cases

[**GPO 1996-1**](#) (3rd amended) - Provides for the reassignment by the Clerk of related and repeat filer cases filed within 8 years of the most recently filed case to the originally assigned judge who is still serving.

[**GPO 1994-3**](#) - Implementation of Pro Bono Representation

*The General Procedure Orders posted here and on this Court's Web Page are the only GPO's which apply to practitioners and other members of the public. All other General Procedure Orders affect internal Court operations and do not directly affect practitioners and members of the general public.

Below is the Judicial Conference's policy on the electronic availability of transcripts that the Conference adopted in 2003, as revised in March 2007. It is applicable to all district and bankruptcy courts making transcripts available electronically to the public.

* * *

Electronic Availability of Transcripts of Court Proceedings

Courts making electronic documents remotely available to the public, whether documents are filed electronically or converted to electronic form, shall make electronic transcripts of proceedings remotely available to the public if such transcripts are otherwise prepared.

Within five business days of the filing by the court reporter/transcriber of the official transcript with the clerk's office pursuant to 28 U.S.C. § 753, each party shall inform the court, by filing a notice of redaction with the clerk, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. Such personal data identifiers include: Social Security numbers; financial account numbers; names of minor children; dates of birth; and home addresses of individuals. The filing of this notice triggers the procedures set out below. If no such notice is filed within the allotted time, the court will assume redaction of personal data identifiers from the transcript is not necessary, and the transcript may be made electronically available at the close of the fifth business day, unless the court, for good cause related to the application of the Judicial Conference policy on privacy and public access to electronic case files, finds that the transcript should not be available electronically for up to a period of 60 days.

An attorney is only responsible for reviewing for redaction, and providing any redactions to the court reporter for, the testimony of the witnesses called on behalf of the party and opening and closing statements made on behalf of the party. In cases where "standby" counsel is appointed to be available to assist a pro se defendant in his or her defense, such counsel is only responsible for reviewing for redaction, and providing any redactions to the court reporter for, the testimony of the witnesses the defendant called and the defendant's opening and closing statements. In a proceeding where only the parties are present (e.g., entry of plea or sentencing) counsel is responsible for reviewing his or her own remarks (and those of predecessor counsel) and those of his or her client for redaction purposes.

If the transcript relates to a panel attorney representation pursuant to the Criminal Justice Act (CJA), the attorney conducting the review is entitled to compensation under the CJA for functions performed to fulfill the redaction obligation, including the following activities: (1) gaining access to the transcript, including travel, if needed; (2) reviewing to determine whether to file notice of intent to redact; (3) filing notice of intent to redact or motion for an extension of time; (4) reviewing for redaction request or motion; (5) preparing and filing redaction request or motion; and (6) other (including pleadings, hearings or other follow-up).

The panel attorney is also entitled to reimbursement under the CJA for costs associated with obtaining a transcript for purposes of redaction review. Standby counsel appointed to assist a pro se defendant is likewise entitled to compensation and reimbursement. In the event that a case involving a CJA representation has already been closed and the original attorney is no longer available, or in the event that standby counsel is no longer available, new counsel may be appointed under the CJA and compensated as outlined above. In the event that the original appointed counsel is still available, but has filed a final voucher for the underlying case, such attorney shall be permitted to file a supplemental voucher for compensation.

If a notice of redaction is filed by any party, following the filing of the official transcript with the clerk's office, the official transcript is not to be made remotely electronically available to the general public. Within 21 calendar days of the filing of the transcript, or longer if the court so orders, the parties shall submit to the court reporter/transcriber a statement indicating where the following personal data identifiers appear in the transcript: Social Security numbers; financial account numbers; names of minor children; dates of birth; and home addresses of individuals.

The court reporter/transcriber shall partially redact these personal data identifiers from the electronic transcript as follows:

- Social Security numbers to the last four digits;
- financial account numbers to the last four digits;
- dates of birth to the year;
- names of minor children to the initials; and
- (in criminal cases only) home addresses to the city and state.

During the 21-day period, or longer if the court so orders, attorneys may move the court for any additional redactions to the transcript. The transcript shall not be electronically disseminated until the court has ruled upon any such motion.

The Director of the Administrative Office may lengthen the period of time for electronic filing of a transcript when, in the Director's judgment, a district justifies such an extension.

Policy Note

This policy is intended to apply to electronic transcripts, whether originally filed in electronic form or converted from hard copy to electronic form. It applies to electronic transcripts made available via CM/ECF, WEBPACER, PACER, RACER or a non-court-related electronic depository (e.g., Exemplaris). It does not affect in any way the obligation of the court reporter/transcriber to file promptly with the clerk of court the court reporter's/transcriber's original records of a proceeding or the inclusion of a filed transcript with the records of the court pursuant to 28 U.S.C. § 753. This policy does not affect the obligation of the clerk to make the official transcript included in the court file available for copying by

Safeguarding Personal Information in Electronic Transcripts

the public without further compensation to the court reporter/transcriber pursuant to Judicial Conference policy.

If a party desires to respond to any notice of redaction or motion for additional redaction, the court may establish a briefing schedule to provide sufficient time for such response.

Nothing in this policy creates a private right of action.

It is not the intent of this policy to affect court reporter/transcriber compensation in any way.

This policy is intended to deal with the Judicial Conference policy on privacy and public access to electronic case files as it applies to the electronic filing of transcripts. It is not intended to change any rules or policies with respect to sealing or redaction of court records for any other purpose.

This policy does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a transcript, subject to whatever court rules are currently imposed to protect sealed materials. Any non-party that orders a transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files.

Local Bankruptcy Forms (LBF)

LBF102.1 - Attorney Fee Disclosure Statement
LBF202.1 - Notice Pursuant to Local Bankruptcy Rule 202
LBF202.2 - Movant's Contested Certificate
LBF202.3 - Movant's Non-Contested Certificate
LBF202.4 - Respondent's Contested Certificate
LBF202.5 - Order Granting Motion to Confirm and Confirming Plan
LBF210 - Transfer of Claim Other Than for Security (Effective 10/16/2006)
LBF215 - Chapter 11 Final Report and Motion for Final Decree
LBF216.1 - Cover Sheet for Application for Professional Compensation
LBF216.2 - Chapter13 Fee Application
LBF216.3 - Order Allowing/Approving Fees
LBF304 - Notice
LBF315.1 - Chapter13 Plan
LBF320.1 - Motion to Confirm Chapter 12 Plan
LBF320.2 - Order Granting Motion to Confirm and Confirming Plan
LBF320.3 - Notice of Hearing and the Right to Object to Chapter12 Plan
LBF320.4 - Motion to Confirm Chapter13 Plan
LBF401.1 - Notice of Hearing or Preliminary Hearing
LBF401.2 - Order Granting Relief from Stay
LBF402.3 - Movant's Non-Contested Certificate Regarding Motion for Relief From Stay
[Click Here for Chapter 13 Fillable forms in Word and WordPerfect Format](#)
LBF1002-1, Coversheet(For cases filed on or after 04/09/2006)
LBF1007-1, Statement Under Penalty of Perjury Concerning Payment Advices(For cases filed on or after 10/17/2005)
LBF1017-1, Report Of Debtor's Failure to Provide Tax Return Pursuant And Notice Of Pending Dismissal Of Case.(For cases filed on or after 10/17/2005)
LBF3015-1, Chapter 13 Plan - PDF (For cases filed on or after 10/17/2005)
LBF3015-1, Chapter 13 Plan - WordPerfect(For cases filed on or after 10/17/2005)
LBF3015-1, Chapter 13 Plan - Word(Coming Soon)(For cases filed on or after 10/17/2005)
LBF3015-2, Order Confirming Chapter 13 Plan(For cases filed on or after 10/17/2005)

Miscellaneous Forms/Information

LBFAppendix - Instructions Regarding Creditors Matrix
LBFmisc - Verification of Creditor Matrix
LBFmisc - Change of Address/Entry of Appearance
LBFmisc - Subpoena in Adversary Proceeding
LBFmisc - Subpoena in Bankruptcy Case
LBFmisc - Declaration Re: Electronic Filing of Petition, Schedules & Statements *Please note: Effective 05/01/2007, Form 21 - Statement of Social Security Number must be used in place of this form and must be submitted electronically on the same date that the case is filed.
LBFmisc - Request to Terminate Duplicate E-Mail
LBFmisc - Request to Terminate Court E-Mail Notification
Verification of Military Status
Notice to Litigants

Post Judgment Forms - See our website for post judgement interest rates

Appearance of Child Support Creditor or Representative

Certification of Judgment for Registration in Another District

Registering a Judgment in Another District

Subpoena for Rule 2004 Examination

Writ of Continuing Garnishment

Writ of Garnishment

Writ of Garnishment With Notice of Exemption and Pending Levy

Notice of Appeal

D.C.COLO.LCivR 84.1

BANKRUPTCY MATTERS

A. Automatic Referral. All cases under Title 11, United States Code, and all proceedings arising under Title 11 or arising in or related to cases under Title 11, shall be automatically referred to the bankruptcy judges of this district pursuant to 28 U.S.C. § 157 without further order. All papers in those cases shall be filed directly in the bankruptcy court, and the bankruptcy judges of this district shall exercise the jurisdiction of this court in bankruptcy matters as provided in 28 U.S.C. § 157(b).

B. Personal Injury or Wrongful Death Claims. Any claim arising in or related to a case under Title 11 involving claims of personal injury or wrongful death shall be tried in the district court of the district in which the bankruptcy case is pending, or in the district court of the district in which the claim arose, as may be determined by the district judge assigned pursuant to D.C.COLO.LCivR 40.1.

C. Withdrawal of Reference. The automatic referral to bankruptcy judges provided in section A. of this rule may be withdrawn by a district judge.

1. **Motion.** A motion for withdrawal of reference shall be filed with the clerk of the bankruptcy court in accordance with Bankruptcy Rule 5011 and Local Bankruptcy Rule 511.

2. **Response.** Within ten days after being served with a copy of a motion for withdrawal of reference, a party may file with the clerk of the bankruptcy court and serve on affected parties an objection to the motion and a designation of any additional portions of the record necessary for the district court's determination of the motion.

3. **Supplementation of Record.** The record may be supplemented by additional portions of the record as determined by the bankruptcy judge.

4. **Order of Referral to District Court.** The bankruptcy judge shall enter an order directing the clerk of the bankruptcy court to refer the motion and/or matter to the district court.

5. **Assignment.** The clerk of the district court shall assign the matter to a district court judge pursuant to D.C.COLO.LCivR 40.1.

D. Proceeding Under 28 U.S.C. § 157(c)(1). When a bankruptcy judge hears a proceeding under 28 U.S.C. § 157(c)(1) that is not a "core proceeding" as defined by 28 U.S.C. § 157(b)(2), the bankruptcy judge shall submit the proposed findings of fact and conclusions of law to the district judge assigned pursuant to D.C.COLO.LCivR 40.1. Copies of those recommendations shall be mailed by the bankruptcy judge to all parties, who shall have ten days after the date of mailing of the recommendations (or such further time not to exceed 30 days as the bankruptcy judge may order) to file written objections. Objections lacking specificity as to factual findings or legal conclusions the objecting party claims to have been erroneously made and objections not timely filed may be summarily overruled. If no objection is filed, or if the parties consent in writing, the recommendations of the bankruptcy judge may be accepted by the district judge, and appropriate orders may be entered without further notice. Procedure for determining objections shall be as set forth in 28 U.S.C. § 157(c)(1).

E. Filings. The clerk of the bankruptcy court shall take in all pleadings in bankruptcy cases and related proceedings. Bankruptcy papers shall be filed with the bankruptcy court in accordance with the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules for the District of Colorado. Any bankruptcy papers filed with the clerk of the district court shall be transferred to the bankruptcy court.

F. Post-judgment Matters. The bankruptcy judges shall exercise jurisdiction over all postjudgment execution matters arising from a judgment or order entered by bankruptcy judges.